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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 18th December, 1962 :—

Issue No.	No. and Date	Issued by	Subject
358	S.O. 3792, dated 13th December, 1962.	Ministry of Labour & Employment.	The Employees' Provident Funds (Amendment) Act, 1962 (48 of 1962), Shall come into force w.e.f. the 1st day of January, 1963.
	S.O. 3793, dated 13th December, 1962.	Ditto.	Specifying every establishment in which fifty or more persons are employed the said proviso shall apply.
	S.O. 3794, dated 13th December, 1962.	Ditto.	Exemption until the 31st January, 1963, the Kolar Gold Mining Undertakings for the operation of the provisions of section 28 and of subsection (1) of Section 30 and 31 of the said Act restricting the weekly hours of work to 48 hours.
359	S.O. 3795, dated 15th December, 1962.	Ministry of Information & Broadcasting.	Approval of film specified therein.
	S. O. 3796, dated 15th December, 1962.	Ditto.	Approval of film specified therein.
360	S. O. 3797, dated 17th December, 1962.	Ministry of Commerce and Industry.	Declaration that no person shall save with the permission of the Central Government, enter into any forward contract for the sale or purchase of art silk yarn or staple fibre yarn.
361	S. O. 3798, dated 17th December, 1962.	Ditto.	Further amendment to the Exports (Control) Order, 1962.

Issue No.	No. and Date	Issued by	Subject.
362	S. O. 3855, dated 18th December, 1962.	Ministry of Mines & Fuel.	The Central Government gave notice of its intention to prospect coal in the lands in locality specified in the Schedule appended.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 22nd December 1962

S.O. 3860.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the order pronounced on the 22nd November, 1962, by the Election Tribunal, II, Chandigarh.

ELECTION PETITION No. 202 OF 1962

S. Ajit Singh son of S. Sajjan Singh of Margindpura—*Petitioner.*

Vs.

Shri Surjit Singh Majithia son of Shri Sunder Singh Majithia, Amritsar—*Respondent.*

JUDGMENT

This is a petition challenging the validity of the election of S. Surjit Singh Majithia from Tarn Taran Parliamentary Constituency to the House of People or Lok Sabha during the last elections held in February, 1962. The sole ground for challenging the validity of the respondent's election, as mentioned in the petition, is that the respondent obtained and procured the assistance for the furtherance of the prospects of his election the services of S. Sadhu Singh son of S. Lakha Singh of village Khambe, tehsil Zira, district Ferozepore, and this person was and is a member of the Armed Forces of the Union. It is alleged that S. Sadhu Singh was appointed as a polling agent of the respondent and acted and attended at polling station No. 53-Thatha, tehsil Patti, district Amritsar when the poll was held on the 24th February, 1962. The correctness of the allegation is challenged by the respondent in his written statement where, after taking some preliminary objections to the validity of the petition, it is alleged that the respondent never appointed Sadhu Singh as his polling agent and that the election agent had been instructed not to appoint any government employee as a polling agent. In the written statement it is stated that Shri Bishan Singh, respondent's election agent, gave a blank form signed by him to one Shri Mukhtar Singh of village Thatha for appointing him as respondent's polling agent but Shri Mukhtar Singh suddenly fell ill and could not avail of the signed form and act as a polling agent. It is suggested that the petitioner taking advantage of the situation dishonestly and fraudulently took away the said form from Mukhtar Singh telling him that he would appoint some suitable person as polling agent in his place and further assuring him that no Government servant shall be appointed, and it is suggested that the form now relied upon by the petitioner may be the form so obtained by him. It is further denied that Sadhu Singh attended the polling station or acted as the respondent's polling agent at the election.

The following issues were framed after considering the petition and the written statement:—

1. Whether the petitioner is an elector in the constituency and hence entitled to file the petition?
2. Whether the petition and the Annexure thereto are properly verified?
3. Whether the petition was accompanied by an affidavit in the prescribed form? If not, what is its effect?
4. Whether the petitioner filed the subsequent affidavit in the prescribed form within time? If not, what is its effect?
5. Whether the Election Agent of the respondent appointed Shri Sadhu Singh as the polling agent of the respondent?
6. If so, whether Shri Sadhu Singh acted as the polling agent of the respondent as alleged in the petition?
7. Whether Shri Sadhu Singh is a member of the armed forces of the Union?
8. Whether the petitioner obtained from Shri Mukhtar Singh polling agent appointment form in question signed by the election agent of the respondent in blank, dishonestly or fraudulently? If so, what is its effect?
9. Whether the respondent obtained or procure the assistance of Shri Sadhu Singh as polling agent for the furtherance of the prospects of his election?

Issues No. 2, 3 & 4 have already been disposed of by an order passed on the 24th of October, 1962 (Annexure). The findings on the other issues are as follows:—

Issue No. 1—

From the evidence of the Record Keeper of the office of the Deputy Commissioner, Amritsar, who was examined by the petitioner, it appears well proved that the petitioner is an elector in the constituency and entitled to file the petition. No evidence has been produced by the respondent to rebut this evidence.

Issue No. 5—

The only evidence produced by the petitioner on this issue is Ex. P. 2 which is the declaration form purporting to have been signed by Shri Bishan Singh, the election agent of the respondent, appointing Shri Sadhu Singh as the polling agent of the respondent. The signature of Shri Bishan Singh on this form has not been proved. Shri Bishan Singh himself was examined by the respondent but the petitioner did not put this form to him or even ask him as to whether Ex. P. 2 bore Bishan Singh's signature. In the circumstances the appointment of Shri Sadhu Singh as the polling agent of the respondent is not proved.

Issue No. 6—

The petitioner examined in this case as many as four witnesses. Shri Mohan Singh examined by the petitioner, who claimed to be present at the Thatha polling station, stated clearly that Sadhu Singh did not act as the polling agent of the respondent. I am of opinion that after this statement by the petitioner's own witness it can be hardly suggested that the petitioner has proved his case. Besides, Shri Manohar Lal, who was the Presiding Officer at Thatha polling station, was produced as a witness by the petitioner and has stated that Shri Sadhu Singh did not act at the polling station for the respondent on the day when the poll was held. Shri Balbir Singh, learned counsel for the petitioner, stated that putting in of the declaration form was itself acting as a polling agent and if this was done no further acting by the polling agent was essential. I find myself unable to accept this argument. Filling of the declaration form only completes the appointment of the polling agent in a manner recognizable by the Presiding Officer. After that he has to act under the various rules. All that may be done by a polling agent is not placed under any one rule in the Conduct of Election Rules but reference to rule 13, 33 and 36 show the various things which a polling agent may do. Rules 13(3) shows that no polling agent may enter the polling station unless he has delivered to the Presiding Officer the instrument of his appointment and then in rule 33, which deals with the preparation of the ballot boxes for the poll, it is provided that the polling agents may affix their signatures on the paper seal affixed by the Presiding Officer for securing the ballot boxes. Rules 33(4) says that the polling agents may also

affix their seals to what may be done by the Presiding Officer to secure and seal the ballot box to be used at the poll. In sub-rule (8) it is said that immediately before the commencement of the poll the Presiding Officer shall demonstrate to the polling agents present that the ballot box is empty and bears the labels referred to in sub-rule (5). The next sub-rule says that the ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agent. Rule 36 enables a polling agent to challenge the identity of a person who claims to be an elector. According to rule 44 the ballot boxes have to be sealed again after the poll and thereafter a polling agent may affix his seal to the ballot box. In fact the various rules show how the polling agent represents a candidate at the poll and may do the things which the candidate himself might have been permitted to do if present at the poll. It is not suggested at all that Shri Sadhu Singh did any of these things. I have, therefore, no hesitation in finding that Sadhu Singh did not act as a polling agent.

The only evidence of his attending the polling station is that of the Presiding Officer who said that Sadhu Singh was seen at 7.45 A.M., on the 24th February, 1962, while the same witness stated that the casting of votes began at 8 A.M. The witness has further said that Sadhu Singh was not seen at all between 8 A.M., and 5 P.M., when the poll closed. I am, therefore, of the view that Sadhu Singh did not attend the polling station as he did not attend that station during the time of the poll.

Issue No. 7—

Shri Sadhu Singh was summoned as a witness but he could not come because of the fact that due to emergency he could not be allowed to attend this Tribunal. The petitioner gave him up. There is no positive evidence produced to prove that Shri Sadhu Singh is a member of the Armed Forces of the Union but from the fact that the petitioner has said so in his affidavit filed along with the petition and the factum of his being a member of the Armed Forces of the Union has not been seriously challenged by the respondent and the fact that the summons issued to him was served and that the communication from the authorities concerned revealed that his presence could not be made available, an inference is available that Shri Sadhu Singh is a member of the Armed Forces of the Union. I find it accordingly.

Issue No. 8—

No positive evidence has been produced by the respondent to support this version. A suggestion appears to have been given in Bishan Singh's statement where he said that he gave one form to Shri Mukhtar Singh for appointing him as a polling agent but Mukhtar Singh having fallen ill could not be available. Shri Bishan Singh, however, did not give any evidence that the form produced was given by him to Shri Mukhtar Singh. No positive finding can be recorded on mere suggestions. My finding, therefore, is that the respondent has not proved this version of the case.

Issue No. 9—

In view of my findings on the earlier issues, I have no hesitation in holding that the respondent did not obtain or procure the assistance of Shri Sadhu Singh for the furtherance of the prospects of his election. There is no evidence to suggest that Shri Sadhu Singh had any influence in the area relating to that particular polling station. It is a fact that Shri Sadhu Singh belongs to another district and his village is situated far away from the polling booth. The suggestion, therefore, that he was appointed as a polling agent with a view to seek his assistance for the furtherance of the prospects of the respondent's election is far fetched.

On the findings recorded above the petition fails and is dismissed with costs, which in the circumstances of the case and having regard to the meagre evidence produced by the parties, I would assess at Rs. 500/- only.

Dated the 22nd November, 1962.

BALRAM UPADHYA,
Member, Election Tribunal II, Chandigarh.

ANNEXURE

Election Petition No. 202 of 1962.

Shri Ajit Singh Vs. Shri Surjit Singh Majithia.

ORDER

On an application made by the respondent to which the applicant had no objection issues Nos. 2, 3 & 4 were taken up for hearing first. The parties agreed that the other issues required the production of evidence and may be taken up later. Issues 2, 3 & 4 are as follows:—

2. Whether the petition and the Annexure thereto are properly verified?
3. Whether the petition was accompanied by an affidavit in the prescribed form? If not, what is its effect?
4. Whether the petitioner filed the subsequent affidavit in the prescribed form within time? If not, what is its effect?

Mr. Veda Vyasa who appeared for the respondent invited my attention to Section 83 of the Representation of the Peoples Act, 1951 and said that according to this provision an election petition is required to contain a concise statement of the material facts on which the petitioner relies and to set forth full particulars of any corrupt practice and is required to be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure for the verification of pleadings. Sub-section (2) of this Section further requires that any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition. Learned counsel contended that Section 80 of the Act specifically lays down that no election shall be called in question except by an election petition presented in accordance with the provisions of Part VI of the Act. Emphasis was placed on the words 'in accordance with the provisions of this Part' in Section 80, and it was argued that any petition not presented in accordance with the provisions of Part VI of the Act could not enable a person to call in question an election held under the Act. Learned counsel said that the proviso to Section 83(1) which was added by Act 40 of 1961, which came into force on 20th September, 1961, requires that the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof. Referring to the petition and the affidavits filed by the petitioner, learned counsel contended that the petition and annexures were not verified in the manner prescribed and the affidavit which accompanied the petition was not in the prescribed form and that the affidavit which was in the prescribed form and had been filed subsequently was of no avail for it did not accompany the petition.

Relating to the verification of the petition and Schedule A accompanying the petition learned counsel contended that these verifications were not in order. The election petition was verified thus:—

"The above-named petitioner does hereby verify that the contents of paras 1 to 4 of this petition are true and correct to the best of the petitioner's knowledge and belief. Para No. 5 is a prayer clause. Verified at Jullundur this 11th day of April, 1962".

The verification clause under Schedule A, which is in the form of a petition though without a prayer is as follows:—

"Verified that the contents of the above petition are true to the best of my knowledge and belief. Verified at Jullundur this 11th day of April, 1962".

Learned counsel urged that a person's knowledge is one thing and his belief based on information is quite another. The form of verification prescribed under the Code of Civil Procedure makes it necessary to specify what facts are stated from personal knowledge and what other facts are stated on information received by the petitioner, which he believes to be true. Learned counsel contended that if the facts stated in the document verified are found to be wrong the liability of the person verifying that document would vary in the two cases. If he has verified the document on personal knowledge the wrong statement would make him clearly liable to a penalty in law. If, however, the verification shows that the statement was based on information received which he believed to be true the liability would be there but of a somewhat less onerous character. In the verification clause the petitioner has verified on the basis of knowledge and belief.

This makes the matter extremely doubtful for he has not clearly stated that what was contained in the petition and schedule A were facts true to his own knowledge nor has he said that they were true to the best of his information which he believed to be true. No liability, it was argued, could, therefore, be fastened on the petitioner if the contents of the document were found to be untrue. Reliance was placed on *Federal India Assurance Company vs. Anand Rao*, A.I.R., 1944 Nagpur, 161, where a learned Judge of the Nagpur High Court took the view that a verification of some facts on personal knowledge and information received in an affidavit was meaningless and infructuous. The learned Judge observed—“This makes the whole affidavit meaningless and infructuous because it is difficult to see how the identical facts could be verified both on knowledge and information”. In *Bisakha Rani Ghose versus Satish Chandra Roy Singha & others*, 1956 Calcutta, 496, Sinha J. observed—Affidavits must be either affirmed as true to knowledge or from information received provided the source of information is disclosed, or as to what the deponent believes to be true provided that the grounds for such belief are stated. It is easy to see that the words “To the best of my knowledge” means nothing. This kind of verification cannot be accepted”. Election Tribunal, Gorakhpur held in *Debi Prasad Vs. Mohammad Naseer & others*, III Election Law Reports, 137, that where a petitioner did not file a verified list along with the petition he could not be permitted to verify the list after the period of limitation for filing the petition had expired and the verification being an essential requirement of the law the petition was defective. Learned counsel finally referred to the decision of the Supreme Court in *Shri Baru Ram versus Shrimati Prasanni & others*, Indian Law Reports 1959, 12 Punjab, page 295. That was a case where a nomination paper had been rejected by the Returning Officer because the requirements of Section 33(5) of the Representation of the Peoples Act had not been complied with. Section 33(5) is as follows:—

“Where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed, along with the nomination paper, be produced before the returning officer at the time of scrutiny.”

No copy of the electoral roll or certified copy of relevant extract had been filed in that case and the Court considered that the satisfaction of the returning officer was a matter of substance in such proceedings and if the statute provided the mode in which the returning officer had to be satisfied by the candidate it is that mode which the candidate was bound to adopt. In this connection the Court observed—“Whenever the statute requires a particular act to be done in a particular manner and also lays down that failure to comply with the said requirements leads to a specific consequence it would be difficult to accept the argument that the failure to comply with the said requirements should lead to any other consequence”. Learned counsel contended that in the instant case the law required the petition to be verified in the prescribed manner and if such verification was not there the petition must be held to be defective. Learned counsel also referred to *Bhikaji Keshao Joshi & another vs. Brij Lal Nand Lal Biyani and others*, X Election Law Reports, page 357, and contended that the only corrupt practice alleged in this case was the employment of a man employed in the Army as a polling agent and if this fact is not properly verified the statement relating to this corrupt practice deserved to be struck out. As this was the only corrupt practice on which the petition was based the scoring out of this allegation must result in the dismissal of the petition itself.

Relating to the affidavit learned counsel argued that the affidavit filed along with the petition was defective because the declaration at the bottom of the document does not expressly profess to be based on knowledge or information believed to be true by the deponent. This declaration only says that “I do hereby solemnly declare that the above declaration of mine is true; no part of it is false and nothing has been kept concealed therein”. The petitioner filed another affidavit on the 16th April, 1962, wherein he said that—“the statement made in paragraph 3(a) of the accompanying election petition about the commission of the corrupt practice of obtaining the assistance from the members of the Armed Forces of the Union under section 123, sub-clause 7(c) of the Representation of the Peoples Act 1951 and the particulars of such corrupt practice mentioned in paragraph 3(a) of the same petition and in paragraphs 1, 2 and 3 of the Schedule A, annexed thereto, are true to my knowledge”. Mr. Veda Vyasa said that this affidavit though purporting to be in the form prescribed refers to an accompanying election petition while no election petition in fact accompanied this affidavit. This affidavit, therefore, was of no avail and could not validate the petition.

Learned counsel for the petitioner said that if the verification clauses in the petition and Schedule A are not found to be in order the petitioner may be allowed to amend the verification clause. This request led to some discussion and Mr. Veda Vyasa contended that this should not be allowed. It appears, however, that merely defective verification would not justify dismissal of an election petition summarily. This was the view taken in *Lakshmi Narain vs. Balwant Singh & others*, XX Election Law Reports, page 76. In that case the verification was found to be defective but the Court took the view that in that case there was substantial compliance with Section 83(2). The Court further held "Even the verification was not proper the petition should not be summarily dismissed on this ground but the petitioner should be allowed to sign the verification at the proper places". In *Shri Krishena vs. Rajeshwar Singh* XII Election Law Reports, 1, it was held that the petition is not liable to be summarily rejected for a mistake in verification and that the mistake can be rectified with the permission of the Court. The same view was taken in *G. Parayya versus B. Rajayya*, XII Election Law Reports, 83. It was held in this case that the Election Tribunal has power to allow the petitioner to amend a defective verification of an election petition. After considering the arguments addressed and the facts of the instant case I am of opinion that though issue No. 2 must be answered in the negative this is a fit case in which the petitioner should be allowed to rectify the mistake in the verification clauses. In case the petitioner decides to avail of the opportunity he may file an application for amendment of the verification clause within one week. Though the language used in Section 83(1)(b) is similar to that used in Section 83(1)(c) the Supreme Court has clearly laid down that the Tribunal should give an opportunity to the petitioner to make suitable amendments so as to make the petition in conformity with Section 83(1)(b). I would respectfully follow the same rule in the instant case where the question relates to Section 83(1)(c).

The affidavit which accompanied the petition was obviously not in the form prescribed. It appears, however, that the petitioner realized this mistake and hastened to file another affidavit in the form prescribed. The proviso which requires an affidavit to be filed in support of the allegations of corrupt practice was itself introduced by an Amending Act. The form it further appears was prescribed even later. It is, therefore, quite possible that the petitioner, as his counsel says, was not aware of this form which had been prescribed and in the circumstances, the fact that he did subsequently, with commendable speed, file a proper affidavit cannot be ignored. As is stated above it was contended that this affidavit referred to an accompanying election petition which did not in fact exist for no election petition accompanied this affidavit. Reading the document in the context in which it was filed there could be no doubt that this affidavit was intended to support the election petition which had been already filed. The expression "accompanying the election petition" though is not very accurate. In the circumstances of this case it appears to be only due to a faithful adherence to the form prescribed. The petition did not accompany this particular affidavit but nobody could doubt that the affidavit related to the election petition which had already been filed. Reading the document as a whole it is clear that this affidavit was one connected with the election petition filed in the instant case.

Learned counsel for the petitioner argued that the period of 45 days during which an election petition accompanied by an affidavit had to be filed expired on the 14th April, 1962. That particular date was the second Saturday in the month of April and was, therefore, a Gazetted holiday for the offices of the Central Government at Delhi. The 15th April was a Sunday and, therefore, the affidavit filed on the 16th April should be taken to have been filed within time. Mr. Veda Vyasa said that this claim that the affidavit was filed within time should have been made by a petition setting forth the facts that the 14th April was a holiday and the 15th April was a Sunday, so that the respondent could have had an opportunity of meeting this case. On enquiry the Secretary, Election Commission, has forwarded an attested copy of the Government Notification which shows that the contention that the 14th April, 1962, was a closed holiday is correct. The letter of the Secretary and the copy of the Notification have been shown to learned counsel and are placed on the record. I hold that the fact that the 14th April was a holiday in the offices of the Central Government is a fact of which judicial notice can also be taken. The 15th April was a Sunday and I am, therefore, of the view that the affidavit filed on the 16th of April, 1962, was filed within time. Even if this were not so I am of the view that what the law requires to be filed within time is the election petition itself and the election petition was filed in time along with Schedule. The requisite security deposit was also made in time. The document purporting to be an affidavit in support of the allegations of corrupt practice drawn up on a non-judicial stamp paper attested before a Magistrate was also filed along with the petition. The mere fact that for some reason the affidavit is found to be defective would not justify a finding that no election petition was filed within time. The defect was not fatal.

In the instant case, however, I have held that the affidavit filed on the 16th April, 1962, was filed within time and was evidently connected with the election petition filed by the petitioner. I, therefore, hold that the affidavit which initially accompanied the petition was not in the prescribed form but the petitioner filed the subsequent affidavit in the prescribed form within time and that, therefore, the petition cannot be dismissed in limine. Issues 2 & 3 are disposed of accordingly.

Dated the 24th October 1962

BALRAM UPADHYA,
Member, Election Tribunal II, Chandigarh.

[No. 82/202/62.]

By Order,
A. N. SEN, Under Secy.

New Delhi, the 22nd December 1962

S.O. 3861.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order pronounced on the 4th December, 1962, by the Election Tribunal, Guna.

BEFORE THE ELECTION TRIBUNAL GUNA, MADHYA PRADESH

Presided over by the Member, Shri C. P. Dubey, (District Judge)

ELECTION PETITION No. 319 of 1962

Atamdas s/o Jiwandas, aged 49 years, r/o Hemsingh ki Parade, Lashkar—
Petitioner.

Versus

1. Suryaprasad s/o Hariram, Jatava, r/o Modhogan], Lashkar, Gwalior.
2. Tejsingh, r/o Word No. 3 Dattapura Morena, Tahsil and District Morena.
3. Bhojraj Kasedia, r/o Mohalla Uttampura Morena, Tahsil and District Morena.
4. Pyada, r/o village Chandupur, Tahsil and District Bhind.
5. Prahlad Das, r/o Mohalla Etawah Road, Cotton Jin, Bhind, Tahsil and District Bhind, and
6. Harpal, r/o village Gorami, Tahsil Mahgaon, District Bhind.—Respondents.

ORDER

(Delivered this 4th day of December 1962)

This is an election petition under section 80 of the Representation of Peoples Act, 1951 (hereinafter referred to as the Act) challenging the election of respondent No. 1, Suryaprasad, from the Lok Sabha Constituency of Bhind No. 1 (reserved seat) in the last general election held in February, 1962. It has been prayed that the election of respondent No. 1 Suryaprasad be declared void and further that the petitioner Atamdas be declared elected.

2. Lok Sabha Constituency of Bhind consisted of four Assembly Constituencies of Bhind District and four Assembly Constituencies of Morena District of Madhya Pradesh. The seat for Lok Sabha Constituency was a reserved seat for Scheduled castes. The petitioner and the respondent No. 1 both belong to Jatav caste, which has been declared as Scheduled caste for certain districts of Madhya Pradesh. The Petitioner had been set up as a candidate by the Praja Socialist Party and the respondent No. 1 was the Congress Party candidate. In all seven candidates contested the reserved seat.

3. The election in this Lok Sabha Constituency took place from 19th February to 24th February, 1962. The counting of votes was done at Bhind and Morena simultaneously. The counting, according to the petitioner, started on the 20th of February and completed on the 1st March, 1962. The last counting took place at Morena. The result was declared on the night of the 1st March, 1962, at Bhind.

The votes polled by each of the contesting candidates, according to the petitioner, were as follows:—

Atamdas, Petitioner	... 72935
Suryaprasad, Respondent No. 1	... 75567
Tajsingh	... 22301
Bhojraj	... 9829
Pyada	... 8625
Prahaladdas	... 20940
Harpal	... 16225

As the respondent No. 1 secured the largest number of votes, he was declared elected to the reserved seat from the Bhind Parliamentary Constituency.

4. By this petition the election of the respondent No. 1 is sought to be declared void on the ground, among others, of improper acceptance of the nomination papers of respondent No. 1 Shri Suryaprasad. The petitioner pleaded that the nomination papers, filed by the respondent No. 1, were not in accordance with the provisions of the Representation of the Peoples Act and Rules framed thereunder inasmuch as the said nomination papers did not contain the name of Lok Sabha Constituency as regards the electoral roll number of the proposer in entry No. 2 and proper declaration specifying the area in relation to which the caste, to which the respondent No. 1 belongs, is a Scheduled caste. Therefore, all the nomination papers of the respondent No. 1 were illegal and void and deserved to be rejected. By acceptance of the nomination papers of the respondent No. 1, the result of the election was materially affected.

5. The other grounds on the basis of which the election of the respondent No. 1 is challenged by the petitioner are as follows:—

- (i) The counting of votes at Morena was done carelessly.
- (ii) The petitioner requested for recount, but it was illegally refused.
- (iii) The counting of votes at two different places, Bhind and Morena, 60 miles apart from each other, was in contravention of section 64 of the Representation of Peoples Act, 1951.
- (iv) The counting was not continuous as required by rule 60 of Conduct of Election Rules, 1961, (hereinafter called the Rules).
- (v) A large number of ballot papers cast in favour of the petitioner were illegally included in the ballot papers of other respondents.
- (vi) More than 4,000 ballot papers, which were cast in favour of the petitioner, were improperly rejected.

6. The petitioner also submitted that had the nomination papers of the respondent No. 1, been rejected and the prayer of the petitioner for recount been granted, the petitioner would have been found to have polled more votes than the respondent No. 1. He prayed, therefore, that after declaring the election of the respondent No. 1 void, the recounting of votes be ordered and he be declared duly elected in place of the respondent No. 1.

7. The respondent Nos. 2 to 6 did not put in any appearance in the case and the petition proceeded *ex parte* against them. The petition is contested only by respondent No. 1, Shri Surya Prasad, who controverted all the allegations made by the petitioner. He denied that the nomination papers filed by him were in any way defective or improperly accepted or that the result of the election was materially affected by acceptance of his nomination papers. According to him, the nomination papers were duly filled-up in accordance with the provisions of law. He further denied that there had been improper reception or rejection of ballot papers. He showed ignorance about the other allegations averred in the petition and challenged the maintainability of the petition on certain technical grounds.

8. The following issues were framed and my findings on them are given against each.

Issues

Findings

- | | |
|--|--|
| 1. (a) Whether the petitioner requested for recount of the votes on 1-3-62 to the Assistant Returning Officer, at Morena and the latter him to the Returning officer Bhind ? | } Not proved. |
| (b) Did the Returning Officer, Bhind, ask the petitioner to submit his written application ? | } Yes. |
| (c) Did the petitioner reach Bhind next morning and filed application for recount ? | } Not proved. |
| (d) Did the Returning Officer inform the petitioner that the result had already been declared ? | } Yes. |
| (e) Was the petitioner deprived of his valuable right of recount and was the refusal to recount contrary to law ? | } Not proved. |
| 2. Is the declaration by the Returning Officer declaring respondent No. 1 Suryaprasad as elected to the Reserved Lok Sabha seat illegal and void ? | } No. |
| 3.(a) Whether the nomination paper of the respondent No. 1 did not contain the name of Lok Sabha constituency as regards electoral roll number of proposer in entry No. 27 ? | } Lok Sabha constituency is not mentioned but Assembly constituency is mentioned which was included in Lok Sabha constituency. |
| (b) Did the nomination paper of respondent No. 1 not contain a declaration by him specifying the area in relation to which the caste of which he belongs ? | } No. It contained the area as required. |
| (c) Did it contravene section 33(2) of the Representation of People Act ? | } No. |
| (d) Was the nomination paper of respondent No. 1 illegal and void for the reasons stated above or any of them ? | } No. Nomination paper Ex.P-2 was legal and void. |
| (e) Should the nomination paper of respondent No. 1 have been rejected ? | } No. |
| (f) Has the acceptance of the nomination paper of the respondent No. 1 materially affected the result of the election ? | } Does not arise. |
| 4. (a) Was the counting of votes not done properly and satisfactorily ? | } It was done properly. |
| (b) Was the counting at Bhind and Morena done in contravention of rule 60 and section 64 of Representation of People Act ? | } No.] |
| (c) Was the counting not continuous, and, if so to what effect ? | } It was continuous. The question of effect does not arise. |
| 5. Whether the procedure followed by the Returning Officer about counting of ballot papers was wholly illegal and <i>ultra vires</i> the Rules ? | } No. |
| 6. (a) Whether the ballot papers given to the petitioner were illegally included in the ballot papers of the respondents ? | } Not proved. |
| (b) Whether any votes polled in favour of the petitioner were improperly and illegally rejected in direct contravention of rule 56(2) ? | } Not proved. |
| (c) Has the above fact materially affected the result of the election ? | } Does not arise. |
| 7. Whether the petitioner and non-petitioner No. 1 were declared to have secured 72935 and 75567 valid votes respectively ? | } Yes. |
| 8. Has the petitioner polled more votes in his favour than the respondent No. 1 ? | } Not proved. |

- (a) Whether the petitioner is stopped from praying for recounting of all the votes by the Tribunal, because he had not taken an action in accordance with rule 63 of Election Rules ? } Not proved.
- (b) Whether the prayer for recounting of votes by the Tribunal is outside the scope of the grounds on which the election of respondent No. 1 could be challenged ? } Not proved.
10. Whether the petitioner has not complied with the provisions of sub-section 3 of section 82 of the Representation of People Act and, if so, to what effect ? } Not proved.
11. Is the verification of the petition not in accordance with the law, if so, what is the effect ? } Not proved.
12. Relief and costs ? } Petition is liable to be dismissed with costs.

9. I may state at the outset that out of the above 12 issues, the learned counsel for the petitioner has concentrated his whole argument with respect to the issues Nos. 1, 3, 4 and 5. The other issues were not pressed or argued by him. I shall, therefore, first consider the issues Nos. 1, 3, 4 and 5.

Reasons for Findings

Issues No. 3(a), (b) (c), (d), (e) and (f):—

10. I take up this issue first, because the election of the returned candidate, Shri Suryaprasad, is challenged mainly on the ground that the nomination papers filed by the respondent No. 1 were invalid and ought to have been rejected. Four nomination papers were filed on behalf of the respondent No. 1 and all of them were in Hindi Form filled up in Dev Nagri Script. The certified copies of these nomination papers have been filed by the petitioner which are Exs. P-2, P-3, P-4 and P-5. The learned counsel for the petitioner has pointed out two defects in these forms, namely, (i) that in column No. 5 the name of the Parliamentary constituency was not mentioned; and (ii) that there was no proper declaration in accordance with section 33(2) of the Act inasmuch as the area, in relation to which the caste, to which the respondent No. 1 belongs, is a Scheduled caste was not specified. The petitioner also alleged in the petition that the nomination papers of the respondent No. 1 did not contain the name of the Lok Sabha constituency as regards the electoral roll of proposer in entry No. 2, but this point has not been pressed by the learned counsel for the petitioner.

11. Before dealing with the contentions raised on behalf of the petitioner, it would be convenient to set out the relevant provisions of the Act and Rules framed thereunder, which are referred to as having a material bearing on the point at issue. Section 2(1)(e) of the Act says that 'elector' in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force and who is not subject to any of the disqualifications mentioned in section 16 of the Representation of the Peoples Act, 1950 (43 of 1950).

12. The relevant portion of section 4 of the Act, specifying the qualifications for membership of the House of People, runs as follows:—

"A person shall not be qualified to be chosen to fill a seat in the House of the People unless—(a) in the case of a seat reserved for the Scheduled Castes in any State, he is a member of any of the Scheduled Castes, whether of that State, or of any other State, and is an elector for any Parliamentary constituency;"

Section 32 of the Act provides for nomination for candidates for election as under:—

"Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Constitution and this Act."

13. Section 33 of the Act prescribes the mode of presentation of nomination papers and the requirements for a valid nomination. The relevant portion of it for the purpose of this case is as under:—

(2) In a constituency where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular

caste or tribe of which he is a member and the area in relation to which that caste or tribe is a scheduled caste, or as the case may be, a Scheduled tribe of the State.

- (4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls;

Provided that the returning officer shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the electoral rolls; and where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

- (5) Where the candidate is an elector of a different constituency, a copy of the electoral roll of that constitution or relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed alongwith the nomination paper, be produced before the returning officer at the time of scrutiny.

- (6) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper:

Provided that no more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election in the same constituency.

14. Then section 36 prescribes the manner of scrutiny of nomination and runs as under:—

- “(1) On the date fixed for the scrutiny of nominations under Section 30, the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by each candidate but no other person, may attend at such time and place as the returning officer may appoint; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 33.

- (2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objections or on his own motion, after such summary inquiry, if any, as he thinks necessary reject any nomination on any of the following grounds:

- (a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely:—

Articles 84, 102, 173 and 191, (and Part II of this Act.

(* * * *) or

- (b) that there has been a failure to comply with any of the provisions of Section 33 or Section 34; or (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

- (3) Nothing contained in clause (b) or clause (c) of sub-section (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

- (4) The returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

- (5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 30 and shall not allow any adjournment of the proceedings except when such proceedings are

interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is raised by the returning officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

- (6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.
- (7) For the purposes of this section, a certified copy of any entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950).
- (8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix it to his notice board.

15. Rule 4 of the Rules requires that "every nomination paper presented under sub-section (1) of section 33 shall be completed in such one of the Forms 2A to 2E as may be appropriate:

Provided that a failure to complete, or defect in completing, the declaration as to symbols in a nomination paper in Form 2A or Form 2B shall not be deemed to be a defect of a substantial character within the meaning of sub-section (4) of section 36". The prescribed form in this case coming under rule 4 is Form 2A. The standard Form 2A is in English as given in the Conduct of Elections Rules, 1961. That Form is as follows:—

FORM 2A

Nomination Paper

(See rule 4)

Election to the House of the People

(To be filled by the proposer)

I hereby nominate.....as a candidate for election from the..... Parliamentary Constituency.

1. Full name of proposer.....
2. Electoral roll number of proposer.....
3. Name of candidate's father/husband.....
4. Full postal address of candidate.....
5. Electoral roll number of candidate.....

Date.....

Signature of proposer.

(To be filled by the candidate)

I, the above mentioned candidate assent to this nomination and hereby declare—

- (a) that I have completed.....years of age;
- (b) that the symbols I have chosen are in order of preference.
 - (i).....
 - (ii)..... and
 - (iii).....

Date.....

Signature of candidate.

Further declaration to be made by a scheduled caste or a scheduled tribe candidate;

I hereby declare that I am a member of the.....caste/tribe which is scheduled caste/tribe of the State of.....in relation to..... (area) in that State.

Date.....

Signature of candidate.

16. The equivalent Hindi Forms filed in this case are also almost in the same words. From the perusal of the above Form it would appear that at the foot of the Form it has been clearly mentioned by giving an illustration as to what particulars and in what manner columns 2 and 5 are to be filled up. In these two columns, that is, columns 2 and 5 electoral roll numbers of the proposer and the candidate are required to be filled up. Rule 2(1)(f) of the Rules states:—

“electoral roll numbers” of a person means—

- (i) the serial number of the entry in the electoral roll in respect of that person;
- (ii) the serial number of the part of the electoral roll in which such entry occurs; and
- (iii) the name of the constituency to which the electoral roll relates.

17. Now in column 2 of the nomination papers (exhibits P-2, P-3, P-4 and P-5), the proposer has mentioned the serial number of the entry in the electoral roll and the part of the electoral roll and also the name of the constituency to which the electoral roll relates. Similar entries are made in column No. 5 of the nomination papers. In both these columns the name of the Parliamentary constituency has not been mentioned, which according to the illustration given at the foot of the each Form, was required to be mentioned. However, in the blank space in the first two lines, the name of the candidate and of the Parliamentary constituency were mentioned by the proposer in the following words—

में इसके द्वारा सूरज प्रसाद उर्फ सूर्य प्रसाद :

(नाम उम्मीदवार) को संसदीय निर्वाचन क्षेत्र भिन्ड सुरक्षित से निर्वाचन के लिये एक उम्मीदवार के रूप में निर्दिष्ट करता हूँ ।

18. This makes it clear that the respondent No. 1 was proposed to stand at the election as a candidate for the reserved seat of Bhind Parliamentary constituency. Therefore, the defect in not mentioning the name of the Parliamentary constituency in column 2 or 5 is only a technical defect and not a defect of substantial character. Section 36(4), as quoted above, clearly lays down that the returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

19. The learned counsel for the petitioner contends that omission to mention the name of the Parliamentary Constituency in column No. 5 is a defect of substantial character and on account of this defect the nomination papers filed by the respondent No. 1 ought to have been rejected. In support of this contention he has placed reliance on two decisions reported in 2 E.L.R. 189 *Baddrudduja Syed v. Md. Khoda Baksh* and 7 E.L.R. 496 *Balasubrahmanyam v. Etc. Tribunal (H.C.)*. In E.L.R. 189 it was held by the Election Tribunal, West Bengal that:—

“Omission to mention in a nomination paper for a seat in the House of the People the name of the relevant Parliamentary Constituency in which the name of the candidate is included and the serial number of the candidate in the electoral roll of that constituency are grave errors and irregularities which materially affected the validity of a nomination and afford a sufficient ground for rejection of the nomination paper.”

Similarly, in 7 E.L.R. 496 it was observed by their Lordships of the Madras High Court that:—

“Omission in a nomination paper to fill up the particular as to the name of the constituency in the electoral roll of which the candidate's name appears, is not a mere technical defect of an unsubstantial character but a substantial defect for which the nomination can be rejected.”

20. Both these rulings, in my opinion, are distinguishable; besides, the fact that these rulings were given prior to the amendment of the Election Law in the year 1956. Before the amendment the electoral roll for Parliamentary Constituency used to be prepared separately. In 7 E.L.R. 496 the candidate's name was not included in the roll of any parliamentary constituency on the date on which

he had filed his nomination papers for standing at the election for a seat in the Lok Sabha. But this is not the case here. In 8 E.L.R. 189 the candidate, whose nomination was rejected, had not been mentioned the name of the Parliamentary Constituency in the Electoral roll of which his name had been included and hence that case also stands on a quite different footing.

21. The learned counsel for the respondent No. 1 has drawn my attention to section 13(D) of the Representation of People Act, 1950, which now stands deleted in the present Act of 1951 and argued that it was not necessary now to mention the name of the Parliamentary Constituency in column No. 5 of the nomination form. His further contention is that omission to mention the name of the Parliamentary constituency in column 5 of the nomination form is only a technical defect and on the ground of that defect the nomination papers filed by the respondent No. 1 could not be rejected. In support of his contention he has cited a number of rulings e.g. A.I.R. 1960 Patna 371 *Dahu Sao v. Ranglal Chaudhary*, A.I.R. 1959 Assam 68 *Deo Kanta Barooah v. Kusha Ram Nath*, 6 E.L.R. 368 *Ajayab-singh v. Karnailsingh*, 10 E.L.R. 189 *Karnailsingh v. Election Tribunal, Hissar*, 21 E.L.R. 459 *Dev Kanta v. Kushramnath*, 4 E.L.R. 301 *Shaktiprasad Shukla v. Balwantsingh*, A.I.R. 1956 S.C. 140 *Pratapsingh v. Shrikrishna Gupta* and A.I.R. 1954 Madras 731 *Balasubrahmanyam v. Election Tribunal*.

22. I am inclined to consider only those rulings which, in my opinion, are relevant to the case. In A.I.R. 1960 Patna 371 (*ibid.*), the fact of which are somewhat similar to the present case, it was held that nonmention of the name of the constituency was not a defect of a substantial character. It was further observed (as per Sahai J.) that:—

“the principle for ascertaining whether a defect is one of a substantial character or not is simple and clear. The provisions requiring the candidate and his proposer to give out particulars in the nomination papers have all been made with this purpose in view that the Returning Officer should be able to locate the names of the candidate and the proposer, in the electoral roll quickly and without any difficulty. If the defect is such as to defeat this purpose, it must be held to be of a substantial character. If, on the other hand, the names of the candidate and the proposer can be located easily in the electoral roll in spite of the defect, or, if the defect is not of any importance, and the candidate or the proposer is present to point out their names in the electoral roll to the Returning Officer, the defect, cannot be held to be one of a substantial character”.

23. Similarly, in A.I.R. 1959 Assam 68 it was observed that:—

“Where a nomination paper filed by a candidate for election has given at the heading the same description of the constituency as given, in the notification under S. 30 (c) and there is no defect in the nomination paper in the matter of identifying either the proposer or the candidate or their election roll number, the omission to mention after the name of the constituency the words ‘Assembly constituency’ is only a defect of a non-substantial nature”.

In 21 E.L.R. 459 also it was observed that the defect in not mentioning the name of the constituency correctly in columns 2 and 5 was only technical and not of a substantial character.

24. In the light of the above authorities, I consider that omission to mention the name of the Parliamentary constituency in columns 2 or 5 as required by the illustration noted at the foot of the nomination paper is not a defect of substantial character. The Assembly constituency mentioned in column No. 2 was included in the Bhind Parliamentary constituency. Moreover, no objection in the petition was taken regarding the defect in entry of column No. 5. Therefore, I am of the view that the Returning Officer correctly overruled the objections of the petitioner filed against the nomination papers of the respondent No. 1 and rightly accepted the nomination papers of the respondent No. 1.

25. The second defect in the nomination papers, according to the petitioner, is in the form of declaration inasmuch as the respondent No. 1 did not mention the area in relation to which the Jatav caste, to which the respondent No. 1 belongs, is a Scheduled caste as required under section 33(2) of the Act. In this context I may state here that according to the Scheduled Castes and Scheduled Tribes Lists Modification Order, 1956, Jatav has been recognised as Scheduled castes in the districts of Bhind, Gird, Morena, Shivpuri, Guna, Rajgarh, Shajapur, Ujjain, Ratlam, Mandsaur, Bhelsa, Indore, Dewas, Dhar, Jhabua and Nimar (M.B.). All

these districts were in the Madhya Bharat Region before the formation of new Madhya Pradesh. In the nomination paper (Ex. P-2) the respondent No. 1 has mentioned in the declaration, the area as Madhya Bharat Region of Madhya Pradesh in relation to which Jatav is a Scheduled caste. In Ex. P-3 the area is mentioned as Madhya Bharat of Madhya Pradesh. In Exs. P-4 and P-5 the area is mentioned as Madhya Pradesh. Out of these four nomination papers I consider that the declaration in the nomination paper (Ex. P-2) is in accordance with the provisions of section 33(2) of the Act.

26. The contention of the learned counsel for the petitioner is that mentioning of 'Madhya Bharat Region' in the declaration is not correct. The names of the districts should have been mentioned. This contention, in my opinion, cannot be accepted. It is true that Jatav caste is not a Scheduled caste for whole of the Madhya Bharat Region, but still all the districts, in which Jatav caste has been recognised as Scheduled caste, formed almost the whole old Madhya Bharat Region. Therefore, it cannot be held to be a defect, in the declaration, in mentioning the Madhya Bharat Region in relation to which Jatav caste is a Scheduled caste. Moreover, such defects are only technical as it is the substance that counts and must take precedence over mere form. (Please see A.I.R. 1956 S.C. 140 *Pratap Singh v. Shrikishan Gupta*).

27. Section 38(3) of the Act provides that if, a candidate has filed more nomination papers than one any defect in any one of them would not defeat the candidature of the candidate if there is another nomination paper which had been properly filed and in respect of which no irregularity had been committed. (Please see 21 E.L.R. 459 *Dev Kanta Barooah v. Kusharamnath*). Therefore, in view of the fact that nomination paper (Ex. P-2) filed by the respondent No. 1 had been duly filed up in so far as the declaration is concerned, there is no necessity to consider the other nomination papers filed by him. Thus, considering all the above facts, I find the issues No. 3 (b), (c), (d) and (e) in negative and issue No. 3 (a) in affirmative. Issue No. 3 (f) does not arise.

28. *Issues No. 1(a), (b), (c), (d) and (e).*—There is no controversy between the parties that the counting of votes of the Parliamentary constituency was done at two places Bhind and Morena simultaneously along with the votes of Assembly constituencies. It is also not disputed that the Collector Bhind was appointed as the Returning Officer for the Parliamentary constituency and Collector Morena was the Assistant Returning Officer for that constituency. According to the petitioner, last counting took place at Morena on the 1st March, 1962. His version is that after the counting was completed, he made an application for recount to the Assistant Returning Officer at Morena, who kept the application and informed that he would send it to the Returning Officer Bhind. After that the petitioner contacted the Returning Officer on phone and also sent a telegram informing him that he would pray for recount. The Returning Officer asked him on phone to come to Bhind and file the application for recounting with reasons. Accordingly, he went to Bhind next day and made an application for recount to the Returning Officer, but he informed that he had already declared the result of the election on the night and therefore he was unable to order for recount now.

29. About these allegations of the petitioner the respondent No. 1 has shown his ignorance. However, the petitioner has not substantiated his allegations by reliable evidence. His own evidence on the point is not fully corroborated by his other two witnesses Harinarayan and Lekhrum. Petitioner says (p. 5) that he had gone to Bhind on the 2nd March with his pleader to see the Returning Officer, but Harinarayan and Lekhrum contradicted him and deposed that no pleader had gone to Bhind with the petitioner. Harinarayan and Lekhrum themselves have made discrepant statements. According to Harinarayan, Lekhrum was also present when he and the petitioner made a request to the Returning Officer for recount. But Lekhrum denies this fact and says (p. 5) that he only met the petitioner at Bus Stand and did not go to the Returning Officer with him. I, therefore, do not place reliance on the evidence of these witnesses.

30. The petitioner has not even filed the certified copies of the applications which, according to him, were made to the Assistant Returning Officer and Returning Officer for recount of votes. What order was passed on those applications is also not proved. Rule 63(2) of the Rules requires that an application for recount should be made in writing by the candidate or his election agent to the Returning Officer stating the grounds on which he demands such recount. Sub-rule (3) of rule 63 says that:—

"On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him be frivolous or unreasonable".

31. Therefore, it was necessary for the petitioner to file at least the certified copy of the application made to the Assistant Returning Officer at Morena to prove that his application was in accordance with sub-rule (2) of rule 63, but the Assistant Returning Officer did not pass any order on it. Of course, under rule 65 of the Rules the petitioner was authorised to apply for recount to the Assistant Returning Officer Morena, because it was the last place of counting. But the burden was on the petitioner to prove that he made such an application for recount at the proper stage in accordance with the rules. He did not discharge this burden.

32. The learned counsel for the petitioner has drawn my attention to the proviso to the sub-rule (6) of the rule 63 of the Rules and urged that the Returning Officer at Bhind took hasty action in declaring the result without affording an opportunity to the petitioner to exercise his right conferred by sub-rule (2) of rule 63. Sub-rule (6) runs as under:—

“After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result-sheet in Form 20 and no application for a recount shall be entertained thereafter;

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agent present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).”

33. I do not consider that the Returning Officer committed any breach of the provisions of sub-rule (6) in declaring the result of the election in the night. Petitioner himself says that he was asked by the Returning Officer on phone to come to Bhind and make proper application for recount, but he did not avail of this opportunity. He did not go to Bhind in the night. He says that he had no means to go to Bhind in the night, but he could have instructed his election agent at Bhind to make an application for recount under sub-rule (2) of rule 63. The petitioner has admitted (p. 13) that he had appointed his election agent at Bhind. He also admits that he had a jeep for the election purposes. Therefore, he could easily have gone to Bhind on the night of the 1st March as desired by the Returning Officer. If the petitioner approached the Returning Officer next day after declaration of the result of the election, the Returning Officer was justified in refusing to accept the prayer of the petitioner for recount of votes. The Returning Officer cannot withhold the declaration of the result of the election indefinitely in order to give an opportunity to the petitioner for making an application for recount.

34. The petitioner, has, no doubt, proved that he contacted the Returning Officer on phone and also sent a telegram to him for recount of votes, but this sort of request is not covered under sub-rule (2) of rule 63. He did not examine the Returning Officer or the Assistant Returning Officer to show that the demand for recount was made at the proper stage and place in accordance with the rules, but the same was illegally refused.

35. The learned counsel for the petitioner has cited 15 E.L.R. 219 *Inayatullakhan v. Diwanchand Mahajan* and argued that the prayer of the petitioner for recount ought to have been allowed. This ruling is distinguishable. In that case the demand for recount was made before the final result-sheet was signed and prayer also had good reasons for a recount in view of the fact that great difference was found in recounting of votes of Assembly constituency. In the present case no such grounds have been shown or proved. Moreover, it is also not proved, as I have stated above, that in fact any application for recount with reasons was made by the petitioner at the proper stage. Under the circumstances I find issues No. 1(a), (c) and (e) as 'Not proved'. The issues No. 1(b) and (f) are answered in affirmative.

36. *Issues Nos. 4 (a), (b) and (c) and 5.*—These issues can be taken together as they relate to the counting of votes. It is contended on behalf of the petitioner that the counting of votes, done at two places, that is, at Bhind and Morena, 60 miles apart from each other, was in direct contravention of rule 60 of the Rules and section 64 of the Act in so far as the Returning Officer could not supervise the counting at both the places and the petitioner could not be present at both the places of counting to watch the process of counting. It is further urged that the counting was not continuous as it ought to have been, but was divided on so many dates. The further grievance of the petitioner is that the counting of votes was

not done correctly. All these contentions of the petitioner, in my opinion, are ill-founded. Section 64 of the Act runs as follows:—

“At every election where a poll is taken votes shall be counted by or under the supervision and direction of the Returning Officer and each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of counting”.

37. In view of the above section the contesting candidate has, of course, a right to be present at the time of the counting and in the instant case the petitioner could not be present simultaneously at Bhind and also at Morena at the time of counting on account of the long distance between the two places. But the petitioner had appointed his election agent at Bhind, who could have been present at Bhind at the time of counting. There is no allegation that at any time during counting of votes the petitioner and his election agent were not allowed the entry in the counting places. In this connection I may also refer section 23, in which it is laid down that:—

“Reference in this Act to the returning officer shall, unless the context otherwise requires, be deemed to include an assistant returning officer performing any function which he is authorised to perform under sub-section (2) of section 22”.

38. Similarly, under rule 2(j) of the Rules it is provided that ‘Returning Officer’ includes any assistant returning officer performing any function, he is authorised to perform under sub-section (2) of section 22. Therefore, in view of section 23 and rule 2(j), the word ‘Returning Officer’ mentioned in section 64 shall be deemed to include the Assistant Returning Officer and hence it cannot be said that the counting of votes at Morena was not done under the supervision and direction of the Returning Officer. It is nowhere alleged that the counting of votes at Morena was not done under the supervision and direction of the Returning Officer.

39. Rule 51 and 65 authorise the counting of votes to be done at more places than one and therefore it cannot be said that the counting of votes done at two places, that is at Bhind and Morena, was against the provisions of law. According to rule 60 of the Rules the counting should be done as far as practicable continuously and this provision appears to have been followed in the present case.

40. The learned counsel for the petitioner has pointed out that different dates for recount were fixed from before, but that is not correct. He drew my attention to para 3 of the petition and said that different dates for recount were settled before hand, but this is not true. Para 3 of the petition mentions the dates of the poll and not of the counting. Under the new system of poll the votes for Assembly constituency and Parliamentary constituency were cast in one ballot box and therefore the counting of the ballot papers had to be done simultaneously for the Assembly constituency as well as Parliamentary constituency. Hence the counting of votes could not be finished in a day or two and it proceeded on several dates. It has not been alleged that the counting was suspended on any dates.

41. Moreover, rule 60 provides the counting to be proceeded continuously as far as practicable. Therefore, it cannot be said that the counting cannot be suspended at any time till it is finished. In this respect the learned counsel for the petitioner has relied on 16 E.L.R. 234 *Trilokising v. Shrivrajuwati Nehru* wherein the Election Tribunal observed that:—

“the words ‘as far as practicable’ in rule 46(v) do not give a discretion to the Returning Officer to adopt the candidate wise method. These words are meant only to provide for those contingencies in which it is not possible for one reason or another to open all boxes or to proceed with the counting of the ballot papers of all candidates at the same time”.

These observations, in my opinion, do not help the petitioner's case.

42. The further contention of the learned counsel for the petitioner is that the Returning Officer should have come to Morena to declare the result of the election and in that case the petitioner would have got an opportunity for demanding the recount of all the votes. This contention of the petitioner is not supported by any rule or the provisions of the law. I, therefore, find all these issues in negative.

43. *Issues Nos. 6(a), (b) and (c) and 8.*—All these issues have not been pressed by the learned counsel for the petitioner. The petitioner, however, stated that a large number of ballot papers cast in his favour were mixed in the packets of the ballot papers of other contesting candidates, and were counted in their favour. He has further deposed that more than 2,000 ballot papers cast in his favour were improperly rejected. The evidence of his two witnesses Harinarayan and Lekhraj is also almost to the same effect. But their evidence, on this point, does not inspire confidence. They have not been able to point out a single ballot paper which, according to them, was wrongly mixed with the ballot papers of other candidates or which was improperly rejected. Had it been so, the petitioner or his counting agent would have been able to point out the ballot paper which was wrongly included in the ballot papers of other contesting candidates or which was illegally rejected. They did not even file any objection in this respect before the Returning Officer or the Assistant Returning Officer.

44. Though Harinarayan, who was the counting agent of the petitioner at Morena, says that at the time of the counting he had noticed that certain ballot papers cast in favour of the petitioner pertaining to polling stations Nos. 19, 24 and 28 were wrongly mixed with the ballot papers of the respondent No. 1 and also some ballot papers of the petitioner were wrongly rejected. But in the petition, the petitioner did not mention the number of polling stations pertaining to which the ballot papers, according to him, were wrongly included in the ballot papers of other candidates or were wrongly rejected. According to Lekhraj, due to storm and rains on 26th February 1962 at Bhind at the time of counting the light went off twice and the ballot papers of one candidate got mixed with the ballot papers of other candidates. This statement does not appear to be true. This sort of allegation has also not been made in the petition. Under the circumstances I am unable to place reliance on such general allegations without any concrete proof for that. Similarly, the petitioner has not been able to prove that in fact he polled a majority of votes. I, therefore, find Issues Nos. 6 (a) and (b) and 8 as 'Not proved'. Issue No. 6 (c) does not arise.

45. *Issues Nos. 2 and 7.*—The petitioner has stated in para 4 of the petition that according to the result declared by the Returning Officer, the petitioner secured 72935 votes and respondent No. 1 Suryaprasad secured 75567 votes. This averment has not been seriously challenged by the respondent No. 1. I, therefore, find issue No. 7 in affirmative.

46. As regard the issue No. 2 it has not been shown as to how the declaration of the result of the election, declaring the respondent No. 1 as duly elected to the reserved Lok Sabha seat was illegal and void. According to the petitioner himself, the respondent No. 1 polled the largest number of votes in the election and hence the Returning Officer had no other alternative than to declare the respondent No. 1 as duly elected. I, therefore, find issue No. 2 in negative.

47. *Issues Nos. 9(a), (b), 10 and 11.*—These issues were framed on the allegations made by the respondent No. 1, but they have not been pressed on behalf of him. I, therefore, find all these issues as 'Not proved'.

48. *Issue No. 12.*—The election petition purports to have been filed under section 100 (1) (d) (i) (iii) and (iv) of the Act to get the election of the returned candidate declared void. But as I have stated above the petitioner has not been able to prove that any votes were improperly received or rejected. He also could not establish that there was noncompliance with the provisions of the Constitution, or of the Act, or of Rules, or Orders made under the Act. Only stress has been laid on the fact that the nomination papers filed by the respondent No. 1 were invalid and were improperly accepted by the Returning Officer, but this allegation also the petitioner could not prove. Thus, the ground on the basis of which the election of the respondent No. 1 was challenged have not been substantiated. Therefore, in my opinion, the petition is liable to be dismissed with costs.

49. In the result, the election petition fails and is dismissed with costs. The petitioner shall pay the costs of the respondent No. 1. Pleader's fee Rs. 150/- only.

Dated the 4th December, 1962.

C. P. DUBEY,
Member, Election Tribunal.

[No. 82/319/62.]

K. S. RAJAGOPALAN, Under Secy.

MINISTRY OF HOME AFFAIRS*New Delhi, the 20th December 1962*

S.O. 3862.—In exercise of the powers conferred by section 6 of the Bengal Finance (Sales Tax) Act, 1941 (Bengal Act 6 of 1941), as in force in the Union territory of Delhi, the Central Government hereby gives notice of its intention to make the following amendment, with effect on and from the first day of January, 1963 in the Second Schedule to the said Act, namely:—

In the said Schedule, after item 54, the following items shall be inserted, namely:—

“55. Pesticides.

56. Plant Protection Machines.”

[No. F. 18/6/62-Judl.II.]

New Delhi, the 21st December 1962

S.O. 3863.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that, subject to his control and until further orders, the Chief Commissioner of the Union territory of Delhi shall, in relation to that union territory, exercise the powers, and discharge the functions, of the State Government under the Wakf Act, 1954 (29 of 1954).

[No. F. 2/11/62-Judl.II.]

S.O. 3864.—In exercise of the powers conferred by clause (1) of article 239 of the Constitution, and in supersession of the Notification of the Government of India in the Ministry of Home Affairs No. F.2/3/57-J.II (S.R.O. 3032) dated the 18th September 1957, the President hereby directs that all orders and other instruments made and executed in the name of the Chief Commissioner of the Union territory of Manipur shall be authenticated by the signature of the Chief Secretary, a Secretary or an Under Secretary, in any of the departments of the Manipur Administration.

This notification shall be deemed to have come into force on the 20th November, 1962.

[No. F.2/12/62-Judl.II.]

P. N. KAUL, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS*New Delhi, the 29th December 1962*

S.O. 3865.—In exercise of the powers conferred by section 8 of the Pondicherry (Administration) Act, 1962, (49 of 1962), the Central Government hereby extends to Pondicherry the Forward Contracts (Regulation) Act, 1952, (74 of 1952), (hereinafter referred to as the said Act), subject to the following modifications, namely:—

- (1) Any reference in the said Act, to a law not in force, or to a functionary not in existence, in Pondicherry, shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in Pondicherry:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

- (2) In section 14A, of the said Act, reference to the commencement of the Forward Contracts (Regulation) Amendment Act, 1960, shall be construed as a reference to the commencement of the said Act in Pondicherry.

[No. F. 36(13) Pond-62.]

C. S. AHLUWALIA,
Attache (GP).

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 19th December 1962

S.O. 3866.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President hereby makes the following rules to amend the Delegation of Financial Powers Rules, 1958, namely:—

1. The rules may be called the Delegation of Financial Powers (Fourteenth) Amendment Rules, 1962.

2. In the Delegation of Financial Powers Rules, 1958,

(i) in Schedule I, under 'O-Ministry of Scientific Research and Cultural Affairs', for the existing entry "2. The Council of National Library", the following shall be substituted, which shall be deemed to have been substituted with effect from the 20th November, 1962, namely:—

"2. Librarian, National Library, Calcutta.";

(ii) in the Annexure to Schedule V, against item number 3,—

(a) in para 1(A) of column 4, for the figure and word "5 miles" and for the words "one mile", the figure and word "8 kilometres" and the figures and word "1.6 kilometres" shall respectively be substituted;

(b) for the existing paragraph 1(B) in column 4, the following shall be substituted, namely:—

(B) *For non-gazetted officers.*—Conveyance hire may be reimbursed to a non-gazetted Government servant who (i) is despatched on duty to a place at some distance from his office, if the Government servant concerned is not entitled to draw travelling allowance under the ordinary rules for the journey or (ii) is summoned to office outside the ordinary hours of duty by special order of a gazetted officer.";

(c) after paragraph 4, Note 2 in column 4, the following shall be inserted, namely:—

"Note 3.—The conveyance hire reimbursable shall be the fare by bus, tram, local train or a combination of them, if the places to be visited are connected by any of these public conveyances or a combination of them, as the case may be. If, on such routes, any other conveyance is hired, the hiring charges may be reimbursed on the certificate of the Head of Department in the case of a gazetted officer and the Head of office in the case of a non-gazetted officer to the effect that in the interests of public service or due to the urgency of the work, it was necessary for the officer to hire such a conveyance."

[No. F. 1(64)-E.II(A)/62.]

C. R. KRISHNAMURTHI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 20th December 1962

S.O. 3867.—Statement of the Affairs of the Reserve Bank of India, as on the 14th December 1962

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up.	5,00,00,000	Notes	10,77,60,000
Reserve Fund	80,00,00,000	Rupee Coin	2,19,000
National Agricultural Credit (Long Term Operations) Fund	61,00,00,000	Small Coin	2,37,000
National Agricultural Credit (Stabilisation) Fund	7,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
Deposits :—		(a) Loans and Advances to :—	
(a) Government		(i) State Governments	23,90,75,000
(i) Central Government	51,20,55,000	(ii) State Co-operative Banks	11,51,07,000
(ii) State Governments	13,47,51,000	(iii) Central Land Mortgage Banks
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	2,84,88,000
(i) Scheduled Banks	78,14,37,000	National Agricultural Credit (Stabilisation) Fund	
(ii) State Co-operative Banks	1,52,81,000	Loans and Advances to State Co-operative Banks
(iii) Other Banks	5,68,000	Bills Purchased and Discounted :—	
(c) Others	160,45,68,000	(a) Internal
Bills Payable	31,13,89,000	(b) External
Other Liabilities	39,58,16,000	(c) Government Treasury Bills	85,59,15,000
Rupees	528,58,65,000	Balances held abroad*	8,92,83,000
		Loans and Advances to Governments**	12,80,00,000
		Loans and Advances to :—	
		(i) Scheduled Banks†	18,57,40,000
		(ii) State Co-operative Banks††	136,05,68,000
		(iii) Others	1,77,32,000
		Investments	183,58,66,000
		Other Assets	32,18,75,000
		Rupees	528,58,65,000

*Includes Cash and Short Term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund.

† Includes Rs. 10,37,00,000 advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 19th day of December, 1962,

An account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 14th day of December 1962
ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	10,77,60,000		Gold Coin and Bullion :—		
Notes in circulation	2125,28,26,000		(a) Held in India	117,76,10,000	
Total Notes Issued		2136,05,86,000	(b) Held outside India	
			Foreign Securities	88,08,43,000	
			TOTAL		205,84,53,000
			Rupee Coin		121,92,23,000
			Government of India Rupee Securities		1808,29,10,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES		2136,05,86,000	TOTAL ASSETS		2136,05,86,000

Dated the 19th day of December, 1962.

M. V. RANGACHARI,
Deputy Governor.

[No. F.3(2)-BC/62.]
A. BAKSI, Jt. Secy.

(Department of Revenue)

INCOME-TAX

New Delhi, the 22nd December 1962

S.O. 3868.—In pursuance of clause (a) of sub-section (1) of section 287 of the Income-tax Act, 1961 (43 of 1961) read with sub-section (7) of that section, the names and other particulars of persons on each of whom a penalty of not less than five thousand rupees was imposed, are hereby published in Schedules I, II and III annexed hereto.

SCHEDULE I

Persons on whom a penalty of not less than Rs. 5,000 was imposed during the period from the 1st April, 1960 to the 31st March, 1961 but the Appellate Assistant Commissioner's orders in respect of which were received during 1961-62.

Sl. No.	Name and address	Status	Amount of penalty	Assessment year
I	2	3	4	5
			Rs.	
1	M/s A.K.A. & Co., Mooriyad, Calicut	Firm	5,000	1957-58
2	M/s. A.K. Abdul Hcy & Co., 318, Linghi Chetti Street, Madras	Firm	10,000	1956-57
3	M/s. Appanna Venkatasubba Rao & Brothers, Balacheruvu, Visakhapatnam District.	Firm	5,000 6,000	1949-50 1951-52
4	M/s Atma Singh & Sons, Ludhiana	Hindu Undivided Family.	6,000	1957-58
5	M/s Babu Ram Lachmandas, Garhmukteshwar, Tehsil Hapur.	Firm	8,000	1958-59
6	Sri Bonwari Lal Bhalotia, Ranigunj, Burdwan.	Individual . .	5,000	1945-46
7	Sri C. D. Antony, Mattancherry	Individual . .	5,000	1956-57
8	M/s Continental Drug Co. Pvt. Ltd., 135, Dr. Annie Besant Road, Worli, Bombay.	Company . . .	8,300 10,000 11,000	1950-51 1952-53 1953-54
9	M/s Essa Ismail & Brothers, Mattancherry	Firm	20,000 12,000	1950-51 1951-52
10	M/s Gobinda Rice Mills, Canning, 24 Paraganas.	Firm	10,000	1948-49
11	Sri Gour Gopal De Sarkar, 42, Ramdhan Mittra Lane, Calcutta.	Individual . .	6,000	1954-55
12	Hakim Mohd. Tahir, Kamboh Gate, Meerut.	Individual . .	5,000	1958-59
13	H. Shahul Hameed Maracair, Vellore	Individual . .	10,000	1958-59
14	M/s Jamnadas Bholaram, 201, Harrison Road, Calcutta.	Firm	5,000	1956-57
15	M/s Joginder Singh & Sons, Ludhiana	Hindu Undivided Family.	5,000	1957-58
16	Sri J. S. Creet, Purulia	Individual . .	7,500	1950-51
17	M/s Kohinoor Enamel Works, 45, Agiary Lane, Bombay.	Firm	6,144	1957-58
18	Sri K. Padmanabhan Embrandiri & Brothers, MPathen's Cafe, Trichur.	Hindu Undivided Family.	5,000	1958-59
19	M/s K. S. Balakrishnan Chettiar & Sons, Rangai Gounder Street, Coimbatore.	Firm	6,000	1957-58
20	Madhubala Private Limited, Arabian Villa, Turner Road, Bandra, Bombay.	Company . . .	10,000	1956-57
21	M/s Maganlal Ranchhodas, Ankleswar	Firm	6,000	1957-58
22	M/s Mayurbhanj Mineral Syndicate Pvt. Ltd., 54, Ezra Street, Calcutta.	Company . . .	35,000	1954-55
23	Sri M. Chacko Pillai, Alwaye	Individual . .	20,000	1958-59

1	2	3	4	5
			Rs.	
24	Sri M. L. Kanhere, C/o Kohinoor Cinema, Dadar, Bombay.	Individual . . .	5,000	1957-58
25	M/s Monji Jadavji & Sons, Mattancherry .	Firm . . .	5,000 45,000 25,000	1950-51 1951-52 1952-53
26	M/s Mysore Fertiliser Co., 3-A, North Beach Road, Madras.	Firm . . .	12,000	1953-54
27	M/s Nekiram Pyarelal, Baradwar . . .	Firm . . .	20,000	1953-54
28	Shri N. P. Toniwala, Surat . . .	Individual . . .	7,500	1954-55
29	M/s Ramnik Lal & Co., 20, Carnac Road, Bombay.	Firm . . .	6,270	1960-61
30	Shri Richard Dias, C/o I.C.I. India Private Ltd., Ballard Estate, Bombay-1.	Individual . . .	8,942	1947-48
31	Shri S. N. Dey, C/o Western India Paper & Board Mills Private Ltd., Vikhroli, Bombay.	Individual . . .	25,000 20,000 10,000	1950-51 1951-52 1955-56
32	M/s United Trading Company, Calicut .	Firm . . .	5,000	1957-58
33	Vishnu Pratap Sugar Works Limited, Khadda, District Deoria.	Company . . .	20,000	1952-53
34	M/s V.S. Rm. Ramasubba Iyer, Alwaye .	Firm . . .	6,000	1952-53

SCHEDULE II

Persons on whom a penalty of not less than Rs. 5,000 was imposed during the period from the 1st April, 1961 to the 31st March 1962.

S. No.	Name and address	Status	Amount of penalty	Assessment year
1	2	3	4	5
			Rs.	
1	M/s Ala Rama Krishnaiah & Sons, Timber Merchants, Hyderabad.	Firm . . .	8,500	1960-61
2	Shri Azeez & Co., New Bamboo Bazar, Bangalore.	Firm . . .	12,000 5,000	1955-56 1956-57
3	M/s Shri Balwant Regular Motor Service, Amraoti.	Firm . . .	25,000	1953-54
4	Shri Chiman Lal C. Desai, Gool Mansion, Hornji Street, Bombay.	Individual . . .	5,363	1947-48
5	M/s Empire Stores, B-Block, Connaught Place, New Delhi.	Firm . . .	20,000 15,000	1947-48 1949-50
6	Shri Esufally Mohamedally Arsiwala, C/o National Glass House, 72, Abdul Rehman Street, Bombay.	Individual . . .	6,000	1958-59
7	M/s Fancy Embroidery Mart, Gopal Galli, M.J.K. Market, Bombay.	Firm . . .	7,500	1957-58
8	M/s Ganga Bishan Shubkaran, Moga.	Firm . . .	5,710	1950-51
9	M/s Hajee T. Mohammed Ibrahim & Sons, Mannargudi.	Firm . . .	10,000	1959-60
10	M/s Hind Commercial & Co., Tank Building, Buleshwar, Bombay.	Firm . . .	5,000	1957-58

Under Secs. 28 (1) (b) & (c) of Indian I.T. Act, 1922.

1	2	3	4	5
			Rs.	
11	M/s Hira Lal Nathabhaji, Badshahi Naka, Kanpur.	Firm	8,000	1960-61
12	M/s H. K. Paul & Brothers Pvt. Ltd., 3/3 Maharshi Debendra Road, Calcutta.	Company	20,000	1959-60
13	Shri Induri Eswaraiah, Tobacco Bazaar, Secunderabad.	Individual	7,000	1951-52
			5,500	1952-53
14	M/s Jusab Noor Mohamed, Bombay.	Firm	27,622	1945-46
			20,330	1946-47
			26,392	1947-48
			17,362	1948-49
15	M/s Jwala Prasad Babu Lal, 137, Canning Street, Calcutta.	Hindu Undivided Family	10,447	1943-44
			12,197	1944-45
			12,415	1945-46
			12,636	1946-47
16	Shri Kalicharan Ram, Harishganj, Kanpur.	Individual	8,220	1942-43
			42,304	1943-44
			5,973	1944-45
			8,826	1945-46
			40,098	1946-47
			32,865	1949-50
17	M/s Keshavlal Dullabhji & Co., Kalbadevi Road, Bombay.	Firm	12,500	1951-52
18	M/s K.H.K. Pachamiyan Saheb & Sons, General Hardware Merchants, Godown Street, Bangalore.	Association of persons.	5,000	1955-56
19	Sri K. H. Shamarao & Sons, Bangalore.	Firm	5,000	1954-55
20	M/s Krupakar Paper Mart, 1, Agraharam, Salem.	Firm	10,000	1960-61
21	Shri K. S. Kalyanasundaram, Neela Talkies, Pattukottai, Tanjore, Distt.	Individual	5,000	1959-60
22	M/s. Makhanlal & Co., Prop : Shri Makhanlal Mahavar, 113-115, Kazi Syed Street, Bombay.	Individual	5,000	1952-53
			20,000	1953-54
23	M/s. Moar Brothers Oil Mills, Pachora, District Jalgaon.	Firm	37,000	1957-58
24	M/s. Mohamedali Valiji Arsiwala, 76, Abdul Rehman Street, Bombay.	Firm	30,000	1958-59
25	Shri Mohan Lal Motilal, Bhavnagar.	Individual	9,360	1946-47
26	M/s. M.V. Veerappa, Gandhi-nagar, Bangalore.	Individual	10,000	1956-57
27	Shri N. K. Karunakaran, Old Kent Road, Mangalore.	Individual	7,000	1960-61
28	M/s. Paper Sales Agencies, 51-52, Parsi Bazar Street, Bombay.	Firm	25,000	1959-60
29	M/s. Pashabhaji Patel & Co. (P) Ltd., Construction House, Ballard Estate, Bombay-1.	Company	59,910	1955-56
			42,241	1956-57
			62,320	1957-58
			31,545	1958-59
30	Shri Patel B.D. C/o. M/s. Hazarat & Co., Sir P.M. Road, Bombay.	Individual	6,900	1954-55
			13,800	1955-56
31	M/s. Patil Bros. Ready Made Dress, Sultan Bazar, Hyderabad.	Hindu Undivided Family.	10,000	1959-60
32	M/s. P.N. Radha Krishna Chettiar & Company, Rangai Gounder Street, Coimbatore.	Firm	12,000	1956-57

*The assessee is now dead.

1	2	3	4	5
			Rs.	
33	Shri Poliseti Govinda Rao, Individual Eluru.		8,450	1959-60
34	Shri Probhodhan Bhujangi Lal, Individual Gopal House, D' Souza Street, Bombay.		10,000	1951-52
35	Shri Ram Lal Anand, 4, Ataur Individual Rehman Lane, Underhill Road, Delhi-6.		8,000	1955-56
36	Rasiklal Maneklal Shah, C/o Individual Shah Trading Co. (P) Ltd., Khadia, Char Rasta, Ahmeda- bad.		14,031 11,297 11,674 11,225 12,865	1949-50 1950-51 1951-52 1952-53 1953-54
37	R. Hanumantappa & Sons, Firm Davangeri.		60,000	1952-53
38	Shri Sewa Singh Sardar Singh, Individual Timarni.		7,800	1953-54
39	Shaik Hussain Saheb, Eluru Individual		5,100 6,300	1948-49 1949-50
40	Shah Motilal Dhanaraj, Oppana- Individual kara Street, Coimbatore.		14,000	1951-52
41	M/s. Sheralikhan Mohmed Co., Firm Bhandari Street, Bombay.		7,183 8,819	1951-52 1952-53
42	M/s Shivdayal Rameshwar, Firm Agra		5,700	1957-58
43	M/s. Sircar & Co., 6, Clive Row, Firm Calcutta.		7,000	1947-48
44	M/s. S. Murugappa Mudaliar Firm & Sons, Tirupur, Coimbatore District.		7,500	1959-60
45	Steel & Co., N. R. Road, Banga- Association of lore. persons.		7,500	1958-59
46	Shri Sunder Singh, Prop : Individual Friends Iron Foundary Works, Ludhiana.		6,600	1958-59
47	Shri Tanubhai D. Desai, 19, Individual Nanabhai Lane, Bombay,		9,000 18,000 21,000 30,000 10,000 5,000	1956-57 1957-58 1958-59 1959-60 1955-56 1957-58
48	M/s. T. Sreeramulu & Company, Firm 178, Govindappa Naicken Street Madras.			
49	Sri Yuluru Renga Reddi, Hindu Turimerla, Rapur Taluq, Unived Nellore District. Family		10,000	1959-60

SCHEDULE III

Persons on whom a penalty of not less than Rs. 5,000 was imposed during the period from the 1st April, 1960 to the 31st March, 1961 [vide Ministry of Finance (Department of Revenue) Notification No. 12-58/20/61-IT dated the 6th March, 1962] and a reduction in the penalty has been subsequently allowed by the Income-tax appellate Tribunal.

Serial No.	Name and address	Status	Amount of penalty	Amount of penalty reduced to	Assess-ment year	S. No. of Notifica-tion dated the 6th March, 1962
1	2	3	4	5	6	7
			Rs.	Rs.		
1	M/s. Andhavarapu Tavi- taiah & Satyanarayana, Srikakulam.	Firm	10,000	6,500	1950-51	1

1	2	3	4	5	6	7
			Rs.	Rs.		
2	M/s. A. J. & Sons (P) Company. Ltd., 16, Audiyappa Naicken Street, Madras -1.		15,000	6,000	1956-57	2
3	M/s. Bavirisetti Appa Firm Rao & others, Kaki- nada.		5,000	1,000	1956-57	7
4	M/s. Dhairya Laxmi Rice Firm Mills, Conds. Co., Gudivada.		5,000	2,100	1955-56	11
5	M/s. Desu Venkata Firm Subbiah & others, Conds. of Govindaraja Rice Mills, Chebrelu.		10,000	500	1948-49	14
6	Gopaldas Suryudu & Firm Company, Gollaprolu.		5,000	2,500	1958-59	17
7	M/s. Joharnal Prahala- Firm drai, 177-79, Kalba Devi Road, Bombay.		30,000	10,000	1953-54	20
8	M/s. Laxmi Vilas Rice Firm Mills Conds, Co., Gudivada.		8,000	3,000	1956-57	24
9	Laxmi Venkateswara Firm Swamy Oil Mills, Dhone.		6,800	Nil.	1951-52	25
10	Shri Parmanand Deep- Individual chand, Hinduja, 315, G, New Charni Road, Bombay.		50,000	25,000	1951-52	33
11	M/s. P.B. Lakshmana Sah Firm & Bros., 109, Ayya Muddali St., Chinda- dripet, Madras.		5,000	1,000	1959-60	34
12	M/s. R. P. Pictures, 32, Firm Ayyappa Chetty St., Madras.		7,500	Nil.	1957-58	36
13	Shri Ram Das Motor Company Transport Co., Kakinada.		6,000 5,400	2,000 2,000	1950-51 1951-52	37
14	M/s. Sri Bharatha Laxmi Firm Rice Mill, Conds., Gudivada.		5,000	Nil.	1955-56	42

[No. 91(587/2/62-IT.)]

V. V. CHARI, Addl. Secy.

(Department of Revenue)

ORDER

STAMPS

New Delhi, the 29th December 1962

S.O. 3869.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the debentures of the value of one crore of rupees issued by the Maharashtra State Financial Corporation are chargeable under the said Act.

[No. 16/F.No. 1/94/62-Stamps/Cus.VII.]

M. G. VAIDYA, Under Secy.

CENTRAL EXCISE COLLECTORATE, BARODA**CENTRAL EXCISE***Baroda, the 18th December 1962*

S.O. 3870.—For sub-item VIII of para 2 of Baroda Collectorate, Central Excise Notification No. 2/62, the following shall be substituted:—

(VIII) Each process must be completed within the time stipulated in Col. 3 of the table below or the period extended by the competent officer in his discretion upto the limit shown in Cols. 4, 5 and 6 thereof.

TABLE

Sl. No.	Quantity	Period during which processing should be completed	Extension to be granted by		
			Inspector	Supdt.	A. C.
1	2	3	4	5	6
1	Upto 10,000 Kgms.	15 days	15 days	15 days	..
2	Upto 20,000 Kgms.	1 month	15 days	15 days	1 month
3	Above 20,000 Kgms.	2 months	..	15 days	1 month

The extension shown in Cols. 4, 5 and 6 above will be granted in genuine cases only where the processing cannot be completed within the stipulated period after recording reasons for the same.

In case, processing is not completed within the extended period for some special reasons, the application for further extension of time shall be referred to the Collector with a positive recommendation of the Assistant Collector. The Collector will decide whether to grant further extension or proceed against the licensee for contravention of Rule 143.

[No. 4/62.]

D. R. KOHLI, Collector.

CENTRAL EXCISE COLLECTORATE, BOMBAY**CENTRAL EXCISE***Bombay, the 12th December 1962*

S.O. 3871.—In exercise of the powers vested in me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the Superintendent of Central Excise to exercise within their respective jurisdiction the powers of "Collector" in regard to Sanction of refund of initial deposits paid under compounded levy scheme by manufacturers of khandsari sugar, under Rule 92B(3) of Central Excise Rules, 1944, subject to the monetary limit of Rs. 500/- in each case.

[No. CER/5/62.]

G. KORUTHU, Collector.

**OFFICE OF THE ASSTT. COLLECTOR OF CENTRAL EXCISE AND LAND
CUSTOMS: GOA FRONTIER DIVISION: BELGAUM**

NOTICE

Belgaum, the 19th December 1962

S.O. 3872.—Whereas it appears that the marginally noted goods which were seized by the Officers of the Goa Frontier Division, Belgaum at Belgaum on 3rd January 1962 were imported into India in contravention of Section 167(8) of the Sea Customs Act, 1878 and the Government of India, Ministry of Commerce and Industries, Import Control Order No. 17/55, dated 7th December 1955 issued under Section 3 of the Imports & Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector, Central Excise & Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 167(8) of the Sea Customs Act, 1878, and why a penalty should not be imposed on him under Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 10 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-20/62.]

R. K. AUDIM, Asstt. Collector.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 22nd December 1962

S.O. 3873.—In pursuance of the proviso to Clause 3 of the Textile Machinery (Production and Distribution) Control Order, 1962, the Central Government hereby prescribes the following fees as the fees leviable on applications for the grant of registration certificates under the said order made after the expiry of the period specified in that Clause to the Textile Commissioner, namely:—

- (i) in the case of applications made within a period of thirty days from the expiry of the said period—Rs. 10.00 (Rs. Ten)
- (ii) in other cases—Rs. 50.00 (Rs. Fifty)

[No. 22(34)/61/Tex/B.]

New Delhi, the 29th December 1962

S.O. 3874.—In exercise of the powers conferred on me by clauses 14 and 17 of the Cotton Control Order, 1955, I hereby cancel the Textile Commissioner's Notification S.O. No. 3511, dated the 11th November, 1962, published at pages 3829, and 3830, in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 24th November, 1962, with effect from the 2nd December, 1962.

Sd./- R. DORAISWAMY,
Textile Commissioner.
Bombay, 1-12-62.

[No. 24(4)-Tex(A)/62.]

A. B. DATAR, Under Secy

ORDER.

New Delhi, the 20th December 1962

S.O. 3875 IDRA/6/17.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rules 5(1) and 8, of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri Gorakhnath Singh, to be a member, till the 16th April, 1964, of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1258, dated the 17th April, 1962, for the scheduled industries engaged in the manufacture or production of Paper, Pulp and Allied Industries and directs that the following amendment shall be made in the said Order, namely:—

In the said order for entry No. 24A relating to Shri Bhagwat Dayal Sharma, the following entry shall be substituted, namely:—

“24A. Shri Gorakhnath Singh,” Star Paper Mills Workers Union, P.B. No. 68, Saharanpur. (UP).

[No. 4(38) L Pr./61.]

S. P. KRISHNAMURTHY, Under Secy.

ORDER

EXPORT TRADE CONTROL

New Delhi, the 29th December 1962

S.O. 3876.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment to the Exports (Control) Order, 1962, namely:—

In Part B of Schedule I to the said Order—for item 31, the following shall be substituted:—

“31. Shellac, seedlac, buttonlac, garnet lac, refuselac and all other forms of lac or manufactures thereof, excluding stick lac”.

[No. 2A/9, 62-Export.]

A. B. GOKHALE, Under Secy.

(Office of the Dy. Chief Controller of Imports and Exports)

NOTICES

New Delhi, the 6th November 1962

S.O. 3877.—It is hereby notified, that in exercise of the powers conferred by clause-9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the Import Licence No. E 270113/61/EI/CCI/Q.L-II, dated 7th August, 1962, valued at Rs. 500/- for import of Garage Tools from General Area, granted by the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi within ten days of the date of issue of this notice by the said M/s. Surjit Automobiles, 26, A.R.P. Motia Khan, New Delhi, or any Bank, or any other party, who may be interested in it.

In view of what is stated above, M/s. Surjit Automobiles, 26, A.R.P. Motia Khan, New Delhi, or any Bank, or any other party, who may be interested in the said licence No. E 270113/61/EI/CCI/D/QL-II, dated 7th August, 1962, are hereby directed not to enter into any commitments against the said licence.

M/s. Surjit Automobiles,
26 A.R.P.-Motia Khan,
New Delhi-1.

[No. Genl/233/AM-63/Pol/CLA.]

New Delhi, the 10th December 1962

S.O. 3878.—It is hereby notified, that in exercise of the powers conferred by Clause-9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the four import licences Nos. A 669462/61/AU/CCI/D dated 30th December 1961 valued at Rs. 500/- for import of Adjustable Hand Reamers, A 669461/61/AU/CCI/D dt. 30th December 1961 valued at Rs. 500/- for Import of Dies, A 665508/61/AU/CCI/D dt. 2nd March 1962 valued at Rs. 250/- for import of Adjustable Hand Reamers and A 665507/61/AU/CCI/D dt. 2nd March 1962 valued at Rs. 500/- for import of Dies from: G.A. except Union of South Africa and South West Africa, granted by the Deputy Chief Controller of Imports and Exports, (Central Licensing Area), New Delhi to M/s. Aggarwal Iron & Steel Works, Chowk Chintpurni, Bazar Chur Beri, Amritsar, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports and Exports, (Central Licensing Areas); New Delhi within ten days of the date of issue of this notice by the said M/s. Aggarwal Iron and Steel Works, Chowk Chintpurni, Bazar Chur Beri, Amritsar or any Bank, or any other party, who may be interested in it.

2. The grounds of the proposed cancellation of the licences in question, are that Director of Industries, Panjab, Chandigarh has intimated that the above concern has closed their works and that no import licence should be issued to them.

3. In view of what is stated above, M/s. Aggarwal Iron and Steel Works, Chowk Chintpurni, Bazar Chur Beri, Amritsar or any bank or any other party, who may be interested in the said licence Nos. A 669462/61 dt. 30th December 1961, A 669461/61 dt. 30th December 1961, A 665508/61 dt. 2nd March 1962 and A 665507/61 dated 2nd March 1962 are hereby directed not to enter into any commitments against the said licences and return the same immediately to the Deputy Chief Controller of Imports & Exports (Central Licensing Area), Jarpeth Barracks 'B', New Delhi.

M/s. Aggarwal Iron & Steel Works,
Chowk Chintpurni, Bazar Chur Beri,
Amritsar.

[No. DCCI-I(CLA)/86/62.]

RAM MURTI SHARMA,
Dy Chief Controller.

(Department of Company Law Administration)

ORDER

New Delhi, the 22nd December 1962

Fees for Registration of an Association not for Profit

S.O. 3879.—In exercise of the powers conferred by sub-sections (1) and (2) of section 613 of the Companies Act, 1956 (1 of 1956), the Central Government hereby orders that the fees payable under section 611 of the said Act read with Schedule X thereto, for the registration, as a company with limited liability, of an association not for profit which is licensed under section 25 of the said Act shall—

- (i) where the association has a share capital; or
- (ii) where the association has no share capital and the number of members is stated in its articles of association to exceed twenty or to be unlimited,

be fifty rupees.

2. The Order of the Government of India in the Ministry of Finance (Department of Company Law Administration) No. SRO 771 dated the 1st April, 1956, is hereby cancelled.

[No. F. 10/237/62-PR.]

F. N. SANYAL. Under Secy.


(Indian Standards Institution)

New Delhi, the 12th December 1962

S.O. 3880.—In partial modification of the Standard Mark, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification No. S.O. 3374 dated the 2nd November, 1962 published in the Gazette of India, Part II, Section 3, Sub-section (II) dated the 10th November, 1962, the Indian Standards Institution hereby notifies that the Standard Mark for Blow Lamps, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been revised.

This Standard Mark for the purpose of Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961 and the Rules and Regulations framed thereunder, shall come into force with immediate effect.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the relevant Indian Standard	Verbal description of the design of the Standard Mark
I		Blow Lamps	IS:1899-1961 Specification for Blow Lamps.	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being inscribed on the top side of the monogram as indicated in the design.

[No. MD/17:2.]

New Delhi, the 19th December 1962

S.O. 3881.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 21 November, to 15 December, 1962.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard established	No. and Title of the Indian Standard or Standards, if any, superseded by the New Indian Standard	Brief Particulars
I	2	3	4
1	IS:104-1962 Specification for Ready Mixed Paint, Brushing, Zinc Chrome, Priming, for use on Aluminium and Light Alloys (Revised).	IS:104-1950 Specification for Ready Mixed Paint, Brushing, Zinc Chrome, Priming, for use on Aluminium and Light Alloys.	This standard prescribes the requirements and the methods of test for the material commercially known as ready mixed paint, brushing, zinc chrome, priming, for use on aluminium and light alloys.

1	2	3	4
			The material is used for the protection of aluminium and light alloys and may also be used for steel work. It may be used both under marine and inland outdoor conditions. (Price Rs. 2.00).
2	IS:294-1962 Specification for Superphosphate (<i>Revised</i>).	IS:294-1951 Specification for Superphosphate (<i>Tentative</i>).	This standard prescribes the requirements and the methods of test for superphosphate. The material is used as a fertilizer. (Price Rs. 2.50).
3	IS:1053-1962 Specification for Dieldrin Water Dispersible Powder Concentrates (<i>Revised</i>).	IS:1053-1957 Specification for Dieldrin Water Dispersible Powder Concentrates.	This standard prescribes the requirements and the methods of test for dieldrin water dispersible powder concentrates containing varying percentages of dieldrin. (Price Rs. 4.00).
4	IS:1663 (Part II)-1962 Method for Tensile Testing of Steel Sheet and Strip Part II Steel Sheet and Strip of Thickness above 3 mm.	..	This part prescribes the method of conducting tensile test on steel sheet and strip over 3 mm in thickness. (Price Rs. 2.00).
5	IS:1730-1961 Dimensions for Steel Plate, Sheet and Strip for Structural and General Engineering Purposes.	..	This standard specifies nominal dimensions for steel plate, sheet and strip for structural and general engineering purposes.
			Structural properties of the sections as calculated on the nominal dimensions are also included. (Price Rs. 6.00).
6	IS:1760-1962 Methods of Chemical Analysis of Limestone, Dolomite and Allied Materials	..	This standard prescribes methods for chemical analysis of various grades of minerals like limestone, dolomite, calcite and magnesite. This standard also covers the methods for magnesite refractories. Separate methods for this purpose have been included wherever necessary. (Price Rs. 4.00).
7	IS:1802-1961 Specification for Ionones.	..	This standard prescribes the requirements and the method of test for the material commercially known as ionone. (Price Rs. 1.50).
8	IS:1977-1962 Specification for Structural Steel (Ordinary Quality).	..	This standard covers the requirements for two grades of mild steel (ordinary quality) designated as St 32-0 and St 44-0. Steel St 32-0 is intended for general engineering purposes and steel St 44-0 is intended for use in structural work. (Price Rs. 2.50).

(1)	(2)	(3)	(4)
9 IS: 2004-1962 Specification for Carbon Steel Forgings for General Engineering purposes.			This standard covers the requirements for four grades of carbon steel forgings for general engineering purposes designated as Class 1, Class 2, Class 3 and Class 4. (Price Rs. 2.00).
10 IS: 2013-1962 Dimensions for T-Slots.	} IS: 519-1954 Specification for T-Slots, T-Bolts and T-Nuts (<i>Tentative</i>).		This standard covers the dimensions and tolerances on dimensions for T-slots in machine tools and other applications (Price Re. 1.00).
11 IS: 2014-1962 Specification for T-Bolts.			This standard covers the requirements for T-bolts for T-slots in machine tools and also in other applications (Price Re. 1.00).
12 IS: 2015-1962 Specification for T-Nuts.			This standard covers the requirements for T-nuts for use with studs on machine tools and other machines provided with T-slots (Price Re. 1.00).
13 IS: 2032 (Part II)-1962 Graphical Symbols Used in Electrotechnology Part II Kind of Current Distribution Systems and Methods of Connection.		..	This standard covers graphical symbols concerning connections and circuit elements, systems distribution and methods of connection (Price Rs. 2.50).
14 IS: 2054-1962 Reference Tables for Nickel/Aluminium-Nickel/Chromium Thermocouples.		..	This standard gives the reference tables of emf—temperature relationship for nickel/aluminium-nickel/chromium thermocouples (Price Rs. 3.50).
15 IS: 2055-1962 Reference Tables for Platinum—Platinum/Rhodium Thermocouples.		..	This standard gives the reference tables of emf—temperature relationship for platinum—platinum/rhodium thermocouples (Price Rs. 7.00).
16 IS: 2062-1962 Specification for Structural Steel (Fusion Welding Quality).		..	This standard covers the requirements for mild steel (fusion welding quality) designated as St 42-W for use in structural work (Price Rs. 3.00).
17 IS: 2074-1962 Specification for Ready Mixed Paint, Red Oxide-Zinc Chrome, Priming.	IS: 107-1952 Specification for Ready Mixed Paint, Brushing, Red Oxide-Zinc Chrome, Priming. IS: 108-1952 Specification for Ready Mixed Paint, Spraying, Red Oxide-Chrome, Priming.		This standard prescribes the requirements and the methods of test for the material commercially known as ready mixed paint, red oxide-zinc chrome, priming. The material is used as a primer in the painting system normally followed for enamels for metal surfaces. It is used for the protection of steel-work both under marine and inland out-door conditions (Price Rs. 2.00).

(1)	(2)	(3)	(4)
18	IS: 2075-1962 Specification for Ready Mixed Paint, Stoving, Red Oxide-Zinc Chrome, Priming.	IS: 135-1952 Specification for Ready Mixed Paint, Spraying, Stoving, Red Oxide-Zinc Chrome, Priming. IS: 136-1952 Specification for Ready Mixed Paint, Brushing, Stoving, Red Oxide-Zinc Chrome, Priming.	This standard prescribes the requirements and the methods of test for the material commercially known as ready mixed paint, stoving, red oxide-zinc chrome, priming. The material is used for the protection of steelwork both under marine and inland outdoor conditions (Price Rs. 2.00).
19	IS: 2089-1962 Specification for Common Proofed Paulins (Tarpaulins).	..	This standard prescribes the requirements and methods of test for common proofed paulins (tarpaulins) (Price Rs. 3.50).
20	IS : 2106 (Part I)-1962 Environmental Tests for Electronic Equipment Part I General.	..	This part of the standard lists environmental testing procedures for electronic equipment and other equipment employing similar techniques. The tests are intended to assess the durability under various conditions of use, storage and transport of such equipment (Price Rs. 1.50).
	IS : 2016 (Part II)—1962 Environmental Tests for Electronic Equipment Part II Damp Heat (Cycling) Test.	..	This part of the standard gives details of the procedures for application of damp heat (cycling) test as part of environmental testing of electronic equipment and other equipment employing similar techniques (Price Re. 1.00).
21	IS : 2122-1962 Code of Practice for Installation and Maintenance of Belt Drives for Power Transmission.	..	This code covers the requirements for installation and maintenance of belt drives for power transmission (Price Rs. 3.50).
22	IS : 2125-1962 Specification for Phenyl Mercury Salicylate, Technical.	..	This standard prescribes the requirements and the methods of test for phenyl mercury salicylate, technical (Price Rs. 2.50).
23	IS : 2126-1962 Specification for Phenyl Mercury Acetate, Technical.	..	This standard prescribes the requirements and the methods of test for phenyl mercury acetate, technical (Price Rs. 2.00).
24	IS : 2127-1962 Specification for Stabilized Methoxy Ethyl Mercury Chloride Concentrate.	..	This standard prescribes the requirements and the methods of test for stabilized methoxy ethyl mercury chloride concentrate (Price Rs. 2.00).

1	2	3	4
25	IS : 2129-1962 Specification for Parathion Emulsifiable Concentrates.	..	This standard prescribes the requirements and the methods of test for parathion emulsifiable concentrates (Price Rs. 4.00).
26	IS : 2134-1962 Specification for Round Tins for General Purposes.	..	This standard prescribes the requirements of round built up containers other than hermetically sealed metal food containers, manufactured from tinplate (Price Rs. 1.50).
27	IS : 2157-1962: Specification for Handloom Shoddy Woollen Blankets (Double Faced).	..	This standard prescribes constructional details and other particulars of four varieties of handloom shoddy woollen blankets (double faced) (Price Rs. 2.00).
28	IS : 2159-1962 Specification for Handloom Viscose Staple Fibre Shirting, Bleached, Dyed, Striped or Checked.	..	This standard prescribes constructional details and other particulars of six varieties of handloom viscose staple fibre shirting, bleached, dyed, striped or checked (Price Rs. 1.50).
29	IS : 2160-1962 Specification for Handloom Viscose Staple Fibre coating, Bleached, Dyed, Striped or Checked.	..	This standard prescribes constructional details and other particulars of two varieties of handloom viscose staple fibre coating, bleached, dyed striped or checked (Price Rs. 1.50).
30	IS : 2161-1962 Specification for Coolant Pumps for Machine Tools.	..	This standard covers two sizes of coolant pumps, designated as size 1 and size 2. It lays down leading dimensions and dimensions essential for interchangeability. It also stipulates minimum pumping capacities for the two sizes of pumps at various water heads (Price Re. 1.00).
31	IS : 2167-1962 Specification for Bottle Coolers.	..	This standard covers general constructional requirements, and methods for establishing ratings and testing of bottle coolers operated by vapour compression type refrigerating machines (Price Rs. 2.50).
32	IS : 2172-1962 Specification for Handloom Filament Rayon Saries.	..	This standard prescribes constructional details and other particulars of nine varieties of handloom filament rayon saries. The saries may either be bleached, dyed, striped, checked, printed or may be woven with figures patterns (Price Rs. 1.50).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution Manak Bhavan, 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhoy Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1, (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13:2.]

C. N. MODAWAL,

Head of the Certification Marks Division.

MINISTRY OF STEEL AND HEAVY INDUSTRIES

(Department of Iron and Steel)

New Delhi, the 21st December 1962

S.O. 3882/ESS.COMM/Iron & Steel-AM(72).—The following notification issued by the Iron and Steel Controller under proviso to Clause 15(1) of the Iron & Steel (Control) Order, 1956 is published for general information:—

"NOTIFICATION

In exercise of the powers conferred by proviso to sub-clause (1) of clause 15 of the Iron & Steel (Control) Order, 1956 as amended from time to time and with the approval of the Central Government, the Iron and Steel Controller hereby notifies the following amendment of Appendix I—Extras List published under S.O. 2156/ESS.COMM/Iron & Steel-AM(66) in Part II, Section 3(ii) of Gazette of India, dated 14th July, 1962:—

Amendment**Appendix 1—Extras List.**

Delete item T-5(ii) quality extras for Skelp for production of C.R. and E.R.W. Pipes.

A. N. BANERJI,
Iron and Steel Controller".

[No. SC(C)-2(45)/61.]

C. A. NAIR, Under Secy.

MINISTRY OF MINES & FUEL*New Delhi, the 22nd December 1962*

S.O. 3883.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel Mines & Fuel (Department of Mines and Fuel) S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhori P.S. Bermo in the district of Hazaribagh;

Whereas, S/Shri Andu Mahto, Bhukhlal Mahto, Denu Mahto and Suklal Mahto of village Dhori P.S. Bermo, District Hazaribagh, the interested persons have under section 13 of the said Act; furnished their claims for compensation payable for acquisition of their lands before the competent authority;

And, whereas, the amount of compensation payable to them could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C 2-20(33)/62.]

S.O. 3884.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel Mines & Fuel (Department of Mines and Fuel) S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhori P.S. Bermo in the district of Hazaribagh;

Whereas S/Shri Bigan Mahto, Dhela Mahto, Lal Mahto and Ganesh Mahto of village Dhori P.S. Bermo, District Hazaribagh, the interested persons have under section 13 of the said Act; furnished their claims for compensation payable for acquisition of their lands before the competent authority;

And, whereas, the amount of compensation payable to them could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal

consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C 2-20(33)/62.]

S.O. 3885.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel Mines & Fuel (Department of Mines and Fuel) S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhori P.S. Bermo in the district of Hazaribagh;

Whereas, S/Shri Bhikh Raj Mahto, Jhari Mahto, Phagi Mahto, Delwa, Kitik and Gangu Mahto of village Dhori, P.S. Bermo, District Hazaribagh, the interested persons have under section 13 of the said Act furnished their claims for compensation payable for acquisition of their lands before the competent authority.

And, whereas, the amount of compensation payable to them could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C 2-20(33)/62.]

S.O. 3886.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel Mines & Fuel (Department of Mines and Fuel) S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhori P.S. Bermo in the district of Hazaribagh;

Whereas S/Shri Chamari Mahto, Gopi Mahto, Chattu Mahto, Harhi Mahto of village Dhori P.S. Bermo, District Hazaribagh, the interested persons have under section 13 of the said Act; furnished their claims for compensation payable for acquisition of their lands before the competent authority;

And, whereas, the amount of compensation payable to them could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C 2-20(33)/62.]

S.O. 3887.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel Mines & Fuel (Department of Mines and Fuel) S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhori P.S. Bermo in the district of Hazaribagh;

Whereas, Sri Lalman Mahto of village Dhori, P.S. Bermo, District Hazaribagh, the interested person, has under section 13 of the said Act, furnished his claim for compensation payable for acquisition of his lands before the competent authority;

And, whereas, the amount of compensation payable to him could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C 2-20(33)/62.]

S.O. 3888.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel Mines & Fuel (Department of Mines and Fuel) S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhori P.S. Bermo in the district of Hazaribagh;

Whereas, S/Shri Ghanu Mahto *alias* Dhanu Mahto and Sukhlal Mahto of village Dhori P.S. Bermo, District Hazaribagh, the interested persons have under section 13 of the said Act; furnished their claims for compensation payable for acquisition of their lands before the competent authority;

And, whereas, the amount of compensation payable to them could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C 2-20(33)/62.]

S.O. 3889.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel, Mines & Fuel (Department of Mines and Fuel) No. S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhori P.S. Bermo in the district of Hazaribagh;

Whereas S/Shri Banu Mahto and Dhonu Mahto of village Dhori, P. S. Bermo, District Hazaribagh, the interested persons have under section 13 of the said Act, furnished their claims for compensation payable for acquisition of their lands before the competent authority;

And, whereas, the amount of compensation payable to them could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C 2-20(33)/62.]

S.O. 3890.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel Mines & Fuel (Department of Mines and Fuel) S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhori P.S. Bermo in the district of Hazaribagh;

Whereas, S/Shri Debu Mahto and Hulash Mahto of village Dhori P.S. Bermo, District Hazaribagh, the interested persons have under section 13 of the said Act furnished their claims for compensation payable for the acquisition of their lands before the competent authority;

And, whereas, the amount of compensation payable to them could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C 2-20(33)/62.]

S.O. 3891.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel Mines & Fuel (Department of Mines and Fuel) S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhori P.S. Bermo in the district of Hazaribagh;

Whereas S/Shri Buka Mahto and Masomat Panwan of village Dhori, P.S. Bermo, District Hazaribagh, the interested persons have under section 13 of the said Act furnished their claims for compensation payable for acquisition of their lands before the competent authority;

And, whereas, the amount of compensation payable to them could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C2-20(33)/62.]

S.O. 3892.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel, Mines & Fuel (Department of Mines and Fuel) No. S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhorl P.S. Bermo in the district of Hazaribagh;

Whereas, S/Shri Churi Mahto, Chattu Mahto, Bandhu Mahto and Sahdeo Mahto of village Dhorl, P.S. Bermo, District Hazaribagh the interested persons have under section 13 of the said Act, furnished their claims for compensation payable for acquisition of their lands before the competent authority;

And, whereas, the amount of compensation payable to them could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C2-20(33)/62.]

S.O. 3893.—Whereas in pursuance of the Notification of the Government of India in the late Ministry of Steel, Mines & Fuel (Department of Mines and Fuel) No. S.O. 1633 dated the 20th June, 1960 under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government has acquired 95.50 acres of land in village Dhorl P.S. Bermo in the district of Hazaribagh;

Whereas, S/Shri Rapu Mahto, Gahnu Mahto, Jailal Mahto and Kartik Mahto of village Dhorl, P.S. Bermo, District Hazaribagh, the interested persons have under section 13 of the said Act furnished their claims for compensation payable for acquisition of their lands before the competent authority,

And, whereas, the amount of compensation payable to them could not be fixed by agreement;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri R. P. Sinha, Additional Judicial Commissioner, Ranchi and refers the dispute to the said Tribunal.

[No. C2-20(33)/62.]

S.O. 3894.—Whereas by the Notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2003 dated the 16th June, 1962 under section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the report, and after consulting the Government of Bihar is satisfied that the lands measuring 2510.00 acres or 1016.55 Hectares described in the Schedule appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 2510.00 acres or 1016.55 Hectares described in the said Schedule are hereby acquired.

The plan of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Hazaribagh (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation (Revenue Section) Darbhanga House, Ranchi.

Drg. No. Rev/48/62 dt. 17-7-62.

(spowing lands acquired)

SCHEDULE

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1	Koihara	Ramgarh	150	Hazaribagh		Part
2	Kumbaradara (Kumharadhara)	"	149	"		Full
3	Sewai	"	155	"		Part
4	Bhuchungdih	"	154	"		"
5	Hutugdag	"	156	"		"
6	Gaurabera	"	153	"		"
Total area 2510.00 Acres						(Approx.)
or 1016.55 Hectares (Approx.)						

Plot Nos. acquired in Village Koihara:

1(P), 18(P), 19 to 90, 91(P), 92(P), 93 to 283, 284(P), 286 to 317, 318(P), and one unnumbered plot surrounded on North by Plot No. 91 on East by Plot No. 92 on South by Plot No. 88 and on West by Plot No. 79.

Plot Nos. acquired in Village Kumbaradara (Kumharadhara) :

1 to 100.

Plot Nos. acquired in Village Sewai:

1 to 235, 236(P), 237(P), 258(P), 239(P), 240 to 250, 251(P), 262(P), 263(P), 264 to 289, 290(P), 291(P), 292(P), 293(P), 294(P), 295 to 699, 700(P), 701 to 704, 705(P), 706(P), 712(P), 713(P), 714 to 722, 723(P), 728(P), 729(P), 738(P), 739, 740, 741(P), 743(P), 954(P), 955(P), 972(P), 986(P), 1025(P), 1027(P), 1028(P), 1029(P), 1030 to 1033, 1034(P), 1035 to 1133, 1134(P), 1247(P), 1248 to 1304, 1035(P), 1376 to 1384 and one unnumbered plot surrounded on North by Plot Nos. 1072, 1073 on East by Plot Nos. 1070 on South by Plot Nos. 1061, 1062 and on West by Plot No. 1071.

Plot Nos. acquired in Village Bhuchungdih :

65(P), 75(P), 79(P), 80, 81(P), 83(P), 84(P), 85, 86(P), 87(P), 89(P), 91(P), 92 to 94, 95(P), 96(P), 97(P), 98(P), 99(P), 100 to 237, 238(P), 239(P), 241(P), 242 to 249, 250(P), 251 to 415, 416(P), 427(P), 428, 429(P), 430 to 477, 478(P), 479(P), 480(P), 498(P), 500(P), 504(P), 505(P), 506(P), 507, 508(P), 513(P), 516(P), 517, 518(P), 519 to 526, 527(P), 528, 529(P), 530 to 755, 756(P), 757 to 762, 763(P), 764(P), 765 to 769, 770(P), 771(P), 776, 777, 778, 779, 780, 781, 782(P).

Plot Nos. acquired in Village Hutugdag :

4(P), 8(P), 9(P), 10, 11(P), 200(P), 201 to 250, 251(P), 253(P), 254(P), 255, 256(P), 265(P), 272(P), 283.

Plot Nos. acquired in Village Gaurabera :

1(P), 6(P) & 15(P).

A-B line passes through Plot Nos. 1, 18, 91, 92 in Village Koihara.

B-C line passes through Plot Nos. 1 and 6 in Village Gaurabera and Plot Nos. 284 and 92 in Village Koihara.

C-D line passes through Plot Nos. 92 and 318 in Village Koihara, Plot Nos. 237, 236, 238, 239, 236 in Village Sewai, Plot No. 15 in Village Gaurabera, Plot Nos. 251, 263, 262, 291, 290, 291, 292, 293, 294 in Village Sewai and Plot Nos. 75, 79 in Village Bhuchungdih.

D-E line passes through Plot Nos. 79, 75, 65 in Village Bhuchungdih.

E-F line passes through Plot Nos. 65, 79, 81, 83, 84, 86, 87, 91, 89, 96, 95, 98, 99, 239, 241, 238, 250, 282, 416, 417, 429, 427, 478, 480, 479, 518, 516, 513, 527, 508, 506, 504, 505, 500, 529, and 498 in Village Bhuchungdih.

F-G Line passes along the left bank of River Verah.

G-H Line passes through plot Nos. 770, 756, 763, in Village Bhuchungdih.

H-I Line passes through plot Nos. 763, 764, 770, 771 in Village Bhuchungdih 254, 251, 253, 272 and 265, in Village Hutugdag.

I-J Line passes through plot Nos. 265, 256, 200, 11, 9, 8, 4, in Village Hutugdag and Plot Nos. 1134, 1029, 1028, 1027, and 1034 in Village Sewai.

J-K Line passes through plot Nos. 1034, part Eastern boundary of road No. 986, through Plot No. 1025 in Village Sewai.

K-L Line passes through plot Nos. 1025, 988, in Village Sewai.

L-M Line passes along part Western boundary of road No. 986 through plot Nos. 972, 955, 954 and 1034 in Village Sewai.

M-N Line passes through plot Nos. 1034, 723, 728, 729, 738, along Northern boundary of Plot Nos. 737 through plot Nos. 741, 743, 712, 713, 705, 706, 700, 1247, and 1305 in Village Sewai.

N-A Line passes along the Western boundary of Villages Sewai, Kumbradara (Kumhradhara) and Koihara.

[No. C2-20(15)/62.]

S.O. 3895.—Whereas by the notification of the Government of India in the (late Ministry of Steel, Mines and Fuel) Department of Mines and Fuel S.O. 1581 dated the 1st July, 1961 and S.O. 484 dated the 6th February, 1962 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notices of its intention to prospect for coal in the lands in the locality specified in the Schedules appended to those notifications;

And whereas the Central Government is satisfied that coal is obtainable in the whole or any part of said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the lands referred to in the above and said notifications measuring 213.65 acres (86.53 Hectares).

The plans of the area covered by this notification may be inspected at the office of the Deputy Commissioner, Hazaribagh (Bihar) or at the office of the Coal Controller, 1, Council House Street, Calcutta or at the office of the National Coal Development Corporation Limited (Revenue Section) "Darbhanga House", Ranchi.

Any person interested in the aforesaid lands may within 30 days of the issue of this notification, file objection to the acquisition of the whole or any part of the lands or of any rights in or over such lands to the Coal Controller, 1, Council House Street, Calcutta.

SCHEDULE

Dhobidih-Sikardih Block Schedule of Sub-Blocks A & B.

Drawing No. Rev./77/62.

Dated 1-11-62.

(Showing lands to be acquired.)

All Rights.

Sl. No.	Village	Thana	Thana No.	Distt.	Area in Remarks. acres.
1	Sikdardih (Sikardih)	Giridih	198	Hazaribagh	Full
2	Belatanr (Belatand)	Giridih	199	Hazaribagh	Part
3	Karharbari (Kurhurbaree)	"	194	Hazaribagh	Part

Total area : 213.65 acres (approx.)
or

86.53 hectares (approx.)

Plot Nos. to be acquired in Village Sikardih (Sikardih):—

1 to 22.

Plot Nos. to be acquired in village Belatanr (Belatand) —

1, 2(P), 3, 4, 5(P), 6(P), 7(P), 8(P), 9 to 12, 13(P), 14(P), 15(P), 16 to 51, 52(P), 53, 54, 55(P), 56(P), 61(P), 62(P), 63(P), 64(P), 72(P), 73(P), 74(P), 78(P), 80(P), 492(P), 507(P), 508, 510(P), 511 to 541, 542(P), 543, 544(P), 545(P), 567(P), 568 to 571, 572(P), 573, 574, 575(P), 576(P), 626. One part unnumbered plot surrounded by Plot Nos. 3, 9, 7, 52 and 6.

Plot Nos. to be acquired in village Karharbari (Kurhurbaree)

961(P), 1340(P), 1346(P), 1347(P), 1348, 1349, 1350(P), 1351 to 1380, 1381(P), 1382 to 1407, 1408(P), 1419(P), 1420(P), 2127, 2128(P), 2129(P), 3009(P), 3074, 3080(P), 3095(P), 3096, 3097(P), 3098(P), 3100(P), 3102, 3103 and 3104.

Boundary Description of Sub-Block 'A'

A-B Line passes through Plot Nos. 1340, 961, 1350 of Village Karharbari (Kurhurbaree) and ends at point 'B'.

B-C-D-E-F-G-H Lines are the part common boundary of villages Mukhpito-Mai-Pipratn and Kharharbari (Kurhurbaree) and ends at point 'H'.

H-I-J-K-L-M Lines are the part common boundary of Villages Dhobidih and Karharbari (Kurhurbaree) and ends at point 'M'.

M-N Line passes through plot Nos. 3009, 2129, 2128, 3100 of village Karharbari (Kurhurbaree) and ends at point 'N'.

N-O Line passes along the part eastern boundary of plot No. 3100 and through plot Nos. 3080, 1420 of Village Karharbari (Kurhurbaree) and ends at point 'O'.

O-P-Q-R-S-T Lines passes through plot Nos. 1420, 3097, again 1420 of village Karharbari (Kurhurbaree) and ends at point 'T'.

T-U Line is the part common boundary of villages Karharbari (Kurhurbaree) and Gopai.

U-A Line passes along the part Southern boundary of plot No. 1420, through plot Nos. 1420, 1419, 1408, 3098, 1381, 3095, 1340, 1347, 1346 again 1340 of village Karharbari (Kurhurbaree) and ends at point 'A'.

Boundary Description of Sub-Block 'B'

A-B Line passes along eastern boundary of plot No. 3073; and western boundary of plot No. 3074 of village Karharbari (Kurhurbaree) and ends at point 'B'.

B-C Line is the common boundary of villages Karharbari (Kurhurbaree) and Belatanr (Belatand) Moheshmundi and Belatanr (Belatand), Sikardih (Sikardih) and Moheshmundi and ends at point 'C'.

C-D Line passes along the eastern boundary of village Sikardih (Sikardih) (along the Central line of River Sukhni) and ends at point 'D'.

D-E Line passes along the part common boundary of villages Sikardih (Sikardih) and Belatanr (Belatand) along the Central line of River (Khakho) and ends at point 'E'.

E-A Line passes through plot Nos. 572, 575, 576, 567, 542, 544, 545, 507, 510, 492, 55, 56, 61, 62, 63, 64, 72, 73, 74, 78, 80, 52, 15, 14, 13, 8, 7, one unnumbered plot, 6, 5, 2, and ends at point 'A' in village Belatanr (Belatand).

[No. C2-20(35)/62.]

P. S. KRISHNAN, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 11th December 1962

S.O. 3896.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central

Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Ministry of Agriculture No. S.R.O. 834-A, dated the 28th February, 1957, namely:—

In the Schedule to the said notification; in Part II,—General Central Service, Class IV, under the Heading 'Central Tractor Organisation, New Delhi', for the existing entry "Administrative Officer" in columns 2 and 3, the entry "Head of Office" shall be substituted.

[No. 1-104/62-MY.]

TEJA SINGH PRUTHI, Under Secy.

(Department of Agriculture)

New Delhi, the 19th December 1962

S.O. 3897.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules further to amend the Curry Powder, Grading and Marking Rules, 1956, the same having been previously published as required by the said section, namely:—

1. These rules may be called the Curry Powder Grading and Marking (Amendment) Rules, 1962.

2. In the Curry Powder Grading and Marking Rules, 1956,—

- (i) in rule 2, clause (a) shall be omitted;
- (ii) in schedule 1, for the words " भारत की उत्पत्ति " the words " भारतीय उत्पाद " shall be substituted;
- (iii) in schedule III,—
 - (a) in column 5, for the entry "2.5" the entry "10.0" shall be substituted,
 - (b) in column 6, after the words and figures "20 mesh per linear inch", the brackets and expression "(1 inch = 2.54 cm.)" shall be inserted.

[No. F. 17-5/62-AM.]

CORRIGENDUM

New Delhi, the 20th December 1962

S.O. 3898.—In the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. 17-3/61-AM, dated the 14th of August, 1962, published as S.O. No. 2633 on pages 2850—2853 of the Gazette of India, Part II, Section 3(ii), dated the 25th of August, 1962,—

- (1) in Schedule IV—
 - (a) in the heading of Column 4, for "Crude fat or other" read "Crude fat or ether", and
 - (b) for "hani cake" occurring after the grade designation No. 1 under Column 1 read "Ghani Cake";
- (2) in Schedule V—
 - (a) in the heading of Column 4, for "Crude fat or other" read "Crude fat or ether", and
 - (b) for "The value specified" occurring in the 2nd line of the foot note read "The values specified";
- (3) in Schedule VI—
 - (a) in the heading of Column 4, for "Crude fat or other" read "Crude fat or ether", and
 - (b) in the heading of Column 5, for "Crude Tibre" read "Crude Fibre".

[No. 17-11/62-AM.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 18th December 1962

S.O. 3899.—Under Section 4(ii) of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to appoint Dr. T. S. Gill, Director of Agriculture, Bhopal to be a member of the Indian Central Cotton Committee, Bombay upto 31st March, 1964 to represent the Madhya Pradesh Department of Agriculture vice Shri P. D. Gadkari.

[No. 1-4/62-Com.IV/III.]

N. K. DUTTA, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 21st December 1962

S.O. 3900.—In exercise of the powers conferred by sub-section (4) of section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following amendment in Part II of the Third Schedule to the said Act, namely:—

In the said Part of the Third Schedule, after the entry "M.D. (Royal Hungarian University of Sciences of Peter Pazmany, Budapest, Hungary)", the following entry shall be inserted, namely:—

"Licentiate of the Medical Faculty, East Bengal—L.M.F. (East Bengal)".

[No. F. 17-6/62-MI.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Departments of Communications & Civil Aviation)

New Delhi, the 1st December 1962

S.O. 3901.—In exercise of the powers conferred by Section 44 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby makes the following rules further to amend the Air Corporations Rules, 1954, namely:—

1. These rules may be called the Air Corporations (Amendment) Rules, 1962.
2. In rule 58-B of the Air Corporations Rules, 1954 the item "5. Controller of Stores and Purchases" occurring under 'Air-India International Corporation' and the item "6. Controller of Stores" occurring under 'Indian Airlines Corporation' shall be omitted.

[No. 7-CA(11)/62.]

New Delhi, the 20th December 1962

S.O. 3902.—In exercise of the powers conferred by Sub-Section (1) of Section 41 of the Air Corporations Act, 1953, and in continuation of Notification No. 20-CA (5)/62 dated the 18th October, 1962, the Central Government has, in consultation with the Corporations concerned, appointed Shri T. S. Krishna, as a member of the Advisory Committee of the Air-India Corporation, and Shri K. S. G. Haja Sheriff, M.L.A., as a member of the Advisory Committee of the Indian Airlines Corporation, for the rest of the term of the two Committees.

[No. 20-CA(5)/62.]

K. GOPALAKRISHNAN, Dy. Secy.

(Department of Communications and Civil Aviation)

(P. & T. Board)

New Delhi, the 17th December 1962

S.O. 3903.—In exercise of the powers conferred by sub-rule (2) of rule 11, Clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. S.R.O. 620, dated the 28th February, 1957, namely:—

In the Schedule to the said notification,

(1) in Part II-General Central Service, Class III—

(i) under the heading "Foreign Post Office"

(a) against the entry "Ministerial staff in Higher and Lower Selection Grades and Inspector (Railway Mail Service), Foreign Mail Section" in column 1, after the entry "Director of Foreign Post; Director of Postal Services" in column 5, the following entry shall be inserted, namely:—

"Deputy Director";

(b) against the entry "All other posts" in column 1, after the entry "Director of Foreign Post; Director of Postal Services" in column 5, the following entry shall be inserted, namely:—

"Deputy Director (in respect of minor penalties)";

(ii) under the heading "Offices of the Accounts Officers, Telephone Revenues"—

(a) against the entry "Staff in Higher and Lower Selection Grades" in column 1, after the entry "Director of Telegraphs; Director of Posts and Telegraphs" in column 5, the following entry shall be inserted, namely:—

"Deputy Director of Posts and Telegraphs";

(b) against the entry "All other Posts" in column 1, after the entry "Director of Telegraphs; Director of Posts and Telegraphs" in column 5, the following entry shall be inserted, namely:—

"Deputy Director of Posts and Telegraphs (in respect of minor penalties)";

(iii) under the heading "Offices of the Manager, Posts and Telegraphs Mail Motor Service", against the entry "All other Posts" in column 1, for the existing entry "Deputy Director in Delhi Circle" in column 5, the following entry shall be substituted, namely:—

"Deputy Director in Delhi Circle (in respect of minor penalties)";

(iv) under the heading "Railway Mail Offices", against the entry "Mail Guards" in column 1, for the existing entry "Deputy Director in respect of penalties (i) to (iii); Director of Posts and Telegraphs/Director of Postal Services in respect of penalties (iv) to (vii)" in column 5, the following entry shall be substituted, namely:—

"Director of Posts and Telegraphs/Director of Postal Services; Deputy Director in respect of penalties (i) to (iii) imposed by Superintendent, Railway Mail Service."

(2) in Part III-General Central Service, Class IV—

(i) under the heading "Foreign Post Office", against the entry "All Posts" in column 1, after the entry "Director, Postal Services; Director of Foreign Post" in column 5, the following entry shall be inserted, namely:—

"Deputy Director";

(ii) under the heading "Offices of the Accounts Officer, Telephone Revenues", against the entry "All Posts" in column 1, after the entry "Director of Telegraphs; Director of Posts and Telegraphs" in column 5, the following entry shall be inserted, namely:—

"Deputy Director";

(iii) under the heading "Telegraph Engineering Division and Sub-Divisions", against the entry "All Posts" in column 1, for the existing entry "Deputy Director" in column 5, the following entry shall be substituted, namely:—

"Director of Posts and Telegraphs".

[No. 44/16/61-Disc.]

D. K. AGARWAL,

Assistant Director General, Posts and Telegraphs.

(P. & T. Board)

New Delhi, the 18th December 1962

S.O. 3904.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 19th December 1962 as the date on which the Measured Rate System will be introduced in Panjim Telephone Exchange.

[No. 31-22/62-PHB.]

S. RAMA IYER, Asstt. Director General (PHB).

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

ARCHAEOLOGY

New Delhi, the 19th December 1962

S.O. 3905.—Whereas the Central Government is of opinion that the ancient and historical monuments and sites specified in the schedule to this notification have ceased to be of national importance.

Now, therefore, in exercise of the powers conferred by Section 35 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares that the monuments aforesaid have ceased to be of national importance for the purpose of the said Act.

SCHEDULE

Sl. No.	State	District	Locality	Name of monument/Site	Protection (i) Preliminary (ii) Confirmatory (iii) Subsequent if any	Notification No. and Date
1	2	3	4	5		6
1	Delhi	Delhi	Badli	Maqbara Paik	(i) No. 6392-Edu., dated 23-10-1926. (ii) No. 7575-Edu., dated 11-12-1926 Chief Commissioner, Delhi.	
2	Delhi	Delhi	Delhi	Lord Lake's monuments in Patparganj.	(i) No. 566-Edu., dated 16-9-1925. (ii) No. 6558-Edu., dated 30-10-1925 Chief Commissioner, Delhi.	

1	2	3	4	5	6
3	Delhi	Delhi	Delhi	Obelisk in memory of the late Charles Todd, on the Grand Trunk Road at the eastern end of the Jamna Bridge.	(i) No. 5661-Edu., dated 16-9-1925. (ii) No. 6558-Edu., dated 30-10-1925 Chief Commissioner, Delhi.
4	Gujarat	Ahmedabad	Ranpur	Azamkhan's palace	(i) No. 6222-A, dated 11-5-1929. (ii) No. 6222-A, dated 24-9-1929 Government of Bombay.
5	Gujarat	Junagadh	Porbandar	Kirti Mandir	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (No. LXXI of 1951)
6	Gujarat	Surat	Dhav	Vaux's Tomb	(i) No. 1226, dated 4-3-1909. (ii) No. 2704-A, dated 26-5-1909 Government of Bombay.
7	Gujarat	Surat	Suvali	Tom. Coryat's Tomb.	(i) No. 2431 dated 3-4-1916. (ii) No. 8604, dated 23-12-1916 Government of Bombay.
8	Gujarat	Surendranagar	Anandpur	Nilkantha temple	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act 1951 (No. LXXI of 1951).
9	Mitras	Tiruchirapalli	Mullayur	Stone images of a hunter and Jyeshtha Devi on the bund of Mullayur kolum.	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act 1951 (No. LXXI of 1951).
10	Mharashtra	Ahmednagar	Ahmednagar	Jumma Masjid	(i) No. 11884, dated 19-11-1920 (ii) No. 5092, dated 23-4-1921 Government of Bombay.

1	2	3	4	5	6
11	Maharashtra	Ahmednagar	Ahmednagar	Khan, Zaman's Masjid.	(i) No. 11884, dated 29-11-1920. (ii) No. 5202, dated 23-4-1921 Government of Bombay.
12	Maharashtra	Ahmednagar	Ahmednagar	Niyamat Khan's palace known as Hatiwada.	(i) No. 11884, dated 29-11-1920. (ii) No. 5202, dated 23-4-1921 Govt of Bombay.
13	Maharashtra	Buldana	Anjani Khurd	Masjid	(i) No. 543-Y, dated 17-12-1920 (ii) No. 1219-D, A.B. dated 26-10-1922 Government of Central Provinces.
14	Maharashtra	Chanda	Ballarpur	Ram Tirth	(i) No. 162-J, dated 21-9-1920. (ii) No. 438-LAB dated 25-11-1924 Government of Central Provinces.
15	Maharashtra	Chanda	Bhandak	Old image of Narsinha.	(i) No. F.4-41/38-F dated 23-3-1939. (ii) No. F. 4-41/38 dated 22-6-1939 Department of Education and Land.
16	Maharashtra	Chanda	Chanda	Grave of a fallen soldier in the forest office compound.	(i) No. 110, dated 17-11-1906. (ii) No. C-72-AB-358, dated 11-4-1925 Government of Central Provinces.
17	Maharashtra	Chanda	Chanda	Monuments of British soldiers and Officers Nos. 1, 4, 5 and 6 in the vicinity of Chanda.	(i) No. 110, dated 17-11-1906. (ii) No. C-72-AB-358, dated 11-4-1925 Government of Central Provinces.
18	Maharashtra	Chanda	Chanda	Padholi monument (erected in memory of soldiers who fell at the capture of Chanda in 1818).	(i) No. 110, dated 17-11-1906. (ii) No. C-72-AB-358, dated 11-4-1925 Government of Central Provinces.
19	Maharashtra	Chanda	Chanda	Well in the form of Shankha in Dadmahalpura.	(i) No. 162-J, dated 21-9-1920. (ii) No. 438-LAB dated 25-11-1924. Government of Central Provinces.

1	2	3	4	5	6
20	Maharashtra	Chanda	Ghugus	Stone cave with an image of Bahram Deo within it and a stone pillar standing in front.	(i) No. 82, dated 3-8-1914. (ii) No. C-72-AB-358, dated 11-4-1925. Government of Central Provinces.
21	Maharashtra	Nagpur	Nagpur	Remains of the Bhonsla Nagar-Khana.	(i) No. F.4-26/39-F&L, dated 4-4-1940 (ii) No. F.4-26(8)/32- dated 1-8-1940 Department of Education and Health and Land.
22	Maharashtra	Poona	Sinhgad	Fort	(i) No. 1230, dated 4-3-1909. (ii) No. 2704-A, dated 26-5-1909. Government of Bombay.
23	Maharashtra	Poona	Sinhgad	Tomb of Tanaji Malusare.	(i) No. 9012, dated 23-11-1915. (ii) No. 2704-A, dated 26-5-1909 Government of Bombay.
24	Mysore	Kolar	Nandi	Yoganandisvara Temple.	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) No. LXXI of 1951).
25	Mysore	Mandya	Tonnur	Gopalakrishna Temple.	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (No. LXXI of 1951).
26	Orissa	Cuttack	Cuttack	The old mosque in the Barabati Fort.	(i) No. 819-VA-31-R.I. dated 14-7-1925. (ii) No. 2282-VA-31-R, dated 2-3-1926 Government of Bihar and Orissa. (iii) No. 1088 dated 7-5-1926 Department of Education Health and Lands.
27	Orissa	Mayurbhanj	Khiching	Khichingeswari Temple.	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Act, 1953

1	2	3	4	5	6
28	Rajasthan	Sri Ganga Nagar.	Pallu	Pallu Jain sculptures,	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act 1951 (No. LXXI of 1951).
29	Uttar Pradesh	Banda	Akbal	Baithak	(i) No. 1412-M, dated 18-11-1920. (ii) No. 1645-M/1133, dated 22-12-1920 Government of United Provinces.
30	Uttar Pradesh	Hamirpur	Badanpur	Image inscribed Sammat 1363.	(i) No. 1465/1133-M, dated 25-11-1920 (ii) No. 1669/1133-M, dated 27-12-1920 Government of United Provinces.
31	Uttar Pradesh	Jaunpur	Jaunpur	King's Tomb	(i) No. 1412-M, dated 18-11-1920 (ii) No. 1645-M/1133, dated 22-12-1920 Government of United Provinces.
32	Uttar Pradesh	Jhansi	Baru sagar	Fort	(i) No. 573-MS/110-1927 dated 6/10-7-1928. (ii) No. 706-MS/110-MS. 1927 dated 27-8-1928 Government of United Provinces.
33	Uttar Pradesh	Lucknow	Lucknow	Begum's Kothi	(i) No. 1412-M dated 18-11-1920. (ii) No. 1645-M/1133, dated 22-12-1920 Government of United Provinces. (iii) No. F. 11-3/33-F, dated 15-2-1933 Department of Education Health and Land.
34	Uttar Pradesh	Varanasi	Varanasi	Georgian Grave near Iswargangi Siva temple	(i) No. 4440-M-27M-27-1926 dated 22-10-1926. (ii) No. 5099 M/27-27-1928 dated 9-12-1926 Government of United Provinces.

1	2	3	4	5	6
35	West Bengal	Cooch Bihar	Khalsa Gosanimari	Taksal Site	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Act, 1953.
36	West Bengal	Nadia	Plassey	New Plassey Monument.	(i) No. 2461 dated 14-6-1915. (ii) No. 4125 dated 12-11-1915 Government of Bengal.
37	West Bengal	Nadia	Plassey	Pillars demarcating the battle-field of Plassey.	(i) No. 2462 dated 14-6-1915. (ii) No. 4126 dated 12-11-1915 Government of Bengal.

[No. F. 4-16/62-C.I.]

S. J. NARSIAN,
Assistant Educational Adviser.

MINISTRY OF IRRIGATION & POWER

ORDER

New Delhi, the 18th December 1962

S.O. 3906.—To enable the National Coal Development Corporation to install and use the special type of winders, manufactured in Poland for the Deep Shafts, in conjunction with their Sudamdih Project, which require transmission and use of power at 3 phase, 6.6 K.V., for the operation of the electrical gears with the winders, the Central Government, in exercise of the powers conferred on them by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, hereby direct that the main provision of Rule 118 of the said Rules shall be relaxed, subject to the following conditions:—

- (1) that the 6.6 K.V. system in conjunction with the electrical equipment of the winders shall be provided with suitable leakage detector or recorder or earth fault supervisor for interruption of supply, automatically or manually immediately the instrument or the device indicates any un-healthy or unsafe condition of the insulation of the system, and
- (2) that the supply shall not be restored until and unless the unsafe condition of the insulation or the defect in the system which has led to the interruption of supply is not removed to the satisfaction of a competent engineer or electrical supervisor authorised for the maintenance of the winders.

[No. EL-11-5(17)/62.]

N. S. VASANT,
Officer on Special Duty.

MINISTRY OF WORKS AND HOUSING

(Department of Rehabilitation)

New Delhi, the 20th December 1962

S.O. 3907.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the State of Delhi, specified in the Schedule

below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the said evacuee properties (Specified in the Schedule below):—

SCHEDULE

Village Mehrzuli

Sl. No.	Particulars of property		Area	Name of the evacuee with the rights in the property	Remarks
	Khewat No.	Khasra No.	Big. Bis.		
1	146/525, 526	1764/2 1071/5	1 18 0 8 <hr/> 2 6	Saraju Din s/o Badru Din, Aziz-ul-Din s/o Surian, Bandu, Saman, Nangal, and Noor-ul-din ss/o Gulsher, Badlu s/o Samman, Kalu, Nathu Khan, Balu Khan, Islam-Ul-din, Slamu Din ss/o Samira, Mst. Umer Alahi, Amed Alahi d/o Hakimulnasa, share holder evacuee, Phulu, Chattru ss/o Jiwan Lal, Smt. Ram Payari w/d Sahai Ram, Smt. Kamala Devi w/o Chananji Lal, Tek Chand s/o Dalip Ram, Payara Lal, Banwari Lal Ram Chand ss/o Trikha Ram, Ami Lal Hira Lal ss/o Ram Rach pal, Shiv Dutt s/o Ram Jus, Ram Parshad s/o Kallu, Amrit Parshad s/o Ram Singh, non-evacuee share vested in custodian.	
2	60/1	2752/1666 42.	0 16	Mst. Amitul Fatima d/o Mhd. Sayaid evacuee 1/2 share, Smt. Sukantle Devi w/o Prabhu non-evacuee share vested in the custodian.	
		1725/22 1725/16 1 1738/4	10 2 0 11 0 11 <hr/> 12 00		

Village Khurezi

1	108/387	28/18/3 28/5/5 36/9/2	1 0 1 2 1 2 <hr/> 3 2	Mohd. Hussain s/o Munshi, occupancy-tenant, evacuee $\frac{1}{4}$ share, Asiq Ali, Shokat Ali as ss/o Nathu, in equal share $\frac{1}{4}$ share, Azam Khan s/o Kasim Khan, $\frac{1}{4}$ share non-evacuee vested in the custodian.	
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Village Hoze Khass

1	15/49	288	1 18	Kanwar s/o Jahangir 1/4, share, Naseroo Din Alia Nasroo 1/4, share, Ramzan s/o Afzal $\frac{1}{4}$ share evacuee.	
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S.O. 3908.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the State of Delhi, specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the said evacuee properties (Specified in the Schedule below):—

SCHEDULE

Sl. No.	Particulars of evacuee property	Name of the town and locality in which the evacuee property is situated	Name of evacuee	Parentage of evacuee
1	II/285A/303	Teliwara Shahdara, Delhi.	M/s. 1. Mst. Musuman. 2. Ahmed Mohd. Hussain. 3. Kallan.	..

[No.13(2)Comp.& Prop/61.]

M. J. SRIVASTAVA,
Settlement Commissioner and Ex-Officio,
Under Secretary to the Govt. of India.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 14th December 1962

S.O. 3909.—In exercise of the powers conferred by sub-section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri L. C. Pant, Managing Officer, under the Regional Settlement Commissioner, Lucknow as Assistant settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 10(28)ARG/62.]

New Delhi, the 19th December 1962

S.O. 3910.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the Central Government hereby appoints Shri K. S. Bedi as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/252/ARG/62.]

S.O. 3911.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the Central Government hereby appoints Shri Pritam Singh as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/253/ARG/62.]

KANWAR BAHADUR,
Settlement Commissioner (A) &
Ex-Officio Dy. Secy.

(Department of Rehabilitation)
(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 22nd December 1962

S.O. 3912.—In exercise of the powers conferred by sub-section (2) of Section 35 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, N. P. Dube, Chief Settlement Commissioner, hereby authorise Shri V. Srinivasachari, Public Prosecutor, S.P.E., Bombay, to make a complaint in writing in a court of law against Shri Gopal Dass, retired Superintendent of Police, C.I.D.

[No. 17(73)Comp. & Prop./60.]

N. P. DUBE,
Chief Settlement Commissioner.

**MINISTRY OF COMMUNITY DEVELOPMENT, PANCHAYATI RAJ AND
CO-OPERATION**

(Department of Co-operation)

New Delhi, the 17th December 1962

S.O. 3913.—In exercise of the powers conferred by section 5B of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Community Development and Cooperation (Department of Cooperation), No. S.O. 1593, dated the 28th June, 1961, published at page 1555 of Part II, Section 3(ii) of the Gazette of India, dated the 8th July, 1961, namely:—

In the said notification (i) against Serial No. 21, for the entry "Shri L. B. Thanga" the entry "Shri P. K. Dev Burman" shall be substituted, (ii) against Serial No. 1 for the entry "Shri Kusum Kumar Phukan" the entry "Shri Ajit Kumar Roy" shall be substituted.

[No. 3-17/62-CT.]

S. S. PURI, Dy. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 22nd December 1962

S.O. 3914.—In exercise of the powers conferred by section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Smt. Indira D. Kothari as a member of the Advisory Panel of the said Board at Madras with immediate effect.

[No. 11/4/62-FC.]

S. PADMANABHAN, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 19th December 1962

S.O. 3915.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Patna, in the industrial dispute between the employers in relation to the Pure Katras Colliery and their workmen.

BEFORE SHRI H. K. CHAUDHURI, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PATNA.

REFERENCE No. 20(C) OF 1962.

Employers in relation to the Pure Katras Colliery and their workmen.

For the Employers—Shri M. P. Ballase.

For the Workmen—Shri Shankar Bose.

AWARD

Dated the 7th December 1962

By Government of India, Ministry of Labour and Employment, Notification dated the 17th May, 1962 this industrial dispute between the employers in relation to the Pure Katras Colliery and their workmen has been referred to this Tribunal for adjudication u/s 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947). The specific matters in dispute were as follows:

1. Whether the transfer of Sarvashri R. S. Choudhary (Munshi) and Ram Sinhasan Lohar (Blacksmith) from Pure Katras Colliery to Belrui Dishergarh Colliery was justified; if not, to what relief are the workmen entitled?
2. Was the retrenchment of Shri Ram Karan Mali by the management of Pure Katras Colliery justified; if not, to what relief is Shri Ram Karan Mali entitled?

2. After parties filed their written statements the case, after some adjournments at the instance of parties, was fixed for hearing on 21st November 1962. On that day the management appeared but no one was present on behalf of the workmen nor was any step taken on their behalf. The case was accordingly heard *ex parte*. After the argument was heard the management was directed to produce its Standing Orders by 23rd November 1962. On 23rd November 1962 the Standing Orders were received. A telegram had in the meantime been received stating that the parties had settled their disputes amicably. On 3rd December 1962 a joint petition of compromise was filed. Under the terms of compromise the management has agreed to give "new working places" to Sarvashri R. S. Choudhary (Munshi) and Ram Sinhasan Lohar (Blacksmith) who had been transferred to Belrui Dishergarh Colliery. As to Shri Ram Karan Mali the management has agreed to reinstate him. The management has also agreed to pay 75 per cent of their total emoluments as indicated in the petition of compromise. The period of idleness is to be treated as "on leave without pay" for the purpose of continuity of service only.

3. The compromise is fair and reasonable and I accept it. I give my award in terms of the compromise which shall form part of the award as Appendix A.

(Sd.) H. K. CHAUDHURI, Presiding Officer,
Central Govt. Industrial Tribunal, Patna, 7-12-62.

Recorded at my dictation & corrected by me.

(Sd.) H. K. CHAUDHURI,
P.O., Central I.T., Patna, 7-12-62.

APPENDIX A

BEFORE THE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
PATNA.

REFERENCE No. 20(C) OF 1962.

PARTIES:

The Management of Pure Katras Colliery Co., Private Ltd., Pure Katras Colliery, P.O. Katrasgarh (Dhanbad).

Vs.

The Workmen, represented by the Colliery Mazdoor Sangh, Dhanbad.

The humble petition on behalf of the parties abovenamed most respectfully Sheweth:—

That without prejudice to the contentions of the parties the dispute under the Reference has been amicably settled between the parties on the following terms and conditions:—

1. That as the management has since been able to obtain new working places the management agree on the request of the Union that Sharvashri R. S.

Choudhury, Munshi and Ramsinghasan Lohar who had been transferred to Belrul Dishergarh Colliery and Shri R. K. Mali, Chaprashi who had been retrenched, shall be taken back on their respective jobs by 1st January, 1963. If the workers concerned fail to report within 15 (fifteen) days from 1st January, 1963, they will lose their claim on their jobs.

2. That the management agree to pay 75% (Seventy five per cent.) of their total emoluments including bonus but excluding leave wages and train fare to the workmen concerned in the Reference for the period of their idleness.

3. That the period of idleness of the workmen concerned will be treated as if "on leave without pay" for the purpose of continuity of service only. But for the purpose of leave with wages the same will be treated as attendances.

4. That the management agree to pay the above payments within three weeks' time from the date of this agreement.

5. That the Union, in return agree to ensure peace and discipline in the colliery.

6. That the parties will bear their respective costs.

It is, therefore, humbly prayed that the above reference may be disposed of and an Award be passed in terms of this settlement.

For Pure Katras Colliery Co., (Private) Ltd.,

(Sd.) Illegible.

Director.

Representing the Management.

Dated, 27-11-62.

Witnesses:

1. (Sd.) Illegible.

2. (Sd.) Illegible.

27-11-62

For Colliery Mazdoor, Sangh,

S. DAS GUPTA,

Secy.

Representing the Workmen.

Dated 27-11-62.

[No. 2/38/62-LRII.]

S.O. 3916.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Jamadoba Colliery of M/S Tata Iron and Steel Co. Ltd., and their workman, Shri Sheomurat Singh, Attendance Clerk.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

In the matter of a reference under Section 10(1) (d) of the Industrial Disputes Act, 1947, (14 of 1947).

REFERENCE No. 13 of 1962.

PARTIES:

Employers in relation to the Jamadoba Colliery of M/s. Tata Iron and Steel Coal Co., Ltd.,

AND

Their Workman, Shri Sheomurat Singh, Attendance Clerk.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.—*Presiding Officer.*

APPEARANCES:

For the Employers.—Shri S. S. Mukherjee, Advocate, Dhanbad.

For the Workman.—Shri D. L. Sen Gupta, Advocate, with Shri S. Das Gupta, Secretary, and, Shri Shankar Bose, Member, Central Executive Committee, Colliery Mazdoor Sangh, Dhanbad.

Dhanbad, dated the 30th November, 1962.

STATE: Bihar.

INDUSTRY: Coal.

AWARD

1. The Government of India, Ministry of Labour and Employment, by its order No. 2/25/62-LR-II, dated 18th April, 1962, has referred, under Section 10(1)(d) of the Industrial Disputes Act, 1947, (14 of 1947), for adjudication to this Tribunal the following item of dispute:

"Whether the dismissal of Shri Sheomurat Singh, Attendance Clerk, by the management of Jamadoba Colliery was justified. If not, to what relief is he entitled?"

2. The Workman, Shri Sheomurat Singh, represented by the Colliery Mazdoor Sangh, filed his written statement on 5th May, 1962, whereas, the Employers, namely, M/s. Tata Iron and Steel Coal Co., Ltd., filed their written statement on 11th June, 1962, and, both the parties filed, along with their written statements, several Annexures.

3. The facts are these:—

- (a) On 14th November, 1961, Shri Bagbahadur Singh, Ex-Miner of Jamadoba Colliery, assaulted Shri Ganguli, the Manager of Jamadoba Colliery. It was alleged by the management that on 24th November, 1961, at 11 A.M. the workman, Sheomurat Singh, who was the attendance clerk in Jamadoba Colliery, threatened Shri Jugal Ram, a miner, to break his legs, etc., if he dares to give evidence in the case of Shri Bagbahadur Singh against him in respect of the above occurrence.
- (b) Jugal, thereafter, made a written complaint (Ext. M7) to the Agent of the Company on 28th November, 1961, regarding the above threat by Sheomurat Singh against him.
- (c) On 29th November, 1961, Shri S. P. Panday, Welfare Officer, in presence of Shri R. Chawla, the Manager of the Colliery, held an enquiry at which Jugal, the complainant, and, his witness, Parma Singh, were examined. The statement of Jugal is Exhibit M12 and that of Parma is Ext. M11.
- (d) The Chief Mining Engineer, thereafter, sent a letter (Ext. M6) on 29/30th November, 1961, to Sheomurat Singh informing him that a preliminary enquiry will be held by the Chief Personnel Officer on 1st December, 1961, at 9 A.M. at his office.
- (e) In reply to the above letter (Ext. M6), Sheomurat Singh sent a letter to the Chief Mining Engineer (Ext. M5) on 1st December, 1961, saying that the Chief Mining Engineer has not yet informed him about the name of the worker who had complained against him and that shows that the Chief Mining Engineer is already prejudiced against him, and, as such, it is futile to expect a fair deal, but however he will attend the enquiry.
- (f) A preliminary enquiry was held on 1st December, 1961, by Shri G. Prasad, Chief Personnel Officer, in presence of Sheomurat Singh, and at that enquiry, the Enquiry Officer examined Shri Chawla, Acting Manager of Jamadoba Colliery, (Ext. M16); Shri Jugal, the complainant, (Ext. M20); Shri Parma Singh, witnesses of Jugal (Ext. M25—M27); and, Mundrika Prasad Singh (Ext. M28-M29).
- (g) As a result of the above preliminary enquiry, the Deputy Chief Mining Engineer on 8th December, 1961, sent a charge-sheet (Ext. M3), to Sheomurat Singh and asked him to show cause why disciplinary action should not be taken against him for his misconduct on 24th November, 1961.
- (h) In reply to the chargesheet (Ext. M3) Sheomurat Singh submitted his explanation (Ext. M4) on 11th December, 1961, in which he denied the charge and said that he was in no way concerned or related to Bagbahadur Singh, and, further stated, in para 8 of his explanation, that Jugal had already given his statement before the Police which had come to investigate in the matter of assault on Shri Ganguli a.

day or two after the occurrence, and, therefore, there could be no question of his threatening Jugal Ram or as a matter of fact any other workman for daring to give evidence against Bagbahadur Singh, inasmuch as, such evidence had already been given to the best of his knowledge.

- (i) Shri R. Chawla, Manager, Jamadoba Colliery, then sent a notice to Shri Sheomurat Singh on 12th December, 1961, (Ext. M8) informing him that the enquiry into the chargesheet issued against him will be held on 15th December, 1961, by the Chief Personnel Officer in his office.
- (j) The final enquiry was held by Shri G. Prasad, Chief Personnel Officer, on 15th December, 1961. Before the enquiry, however, started on 15th December, 1961, Sheomurat Singh requested the Enquiry Officer to supply him with (1) the written complaint of Jugal Ram dated 28th November, 1961, (2) the record of the preliminary enquiry, and, (3) the report of the Enquiry Officer, who held the preliminary enquiry, namely, Shri G. Prasad, Chief Personnel Officer, but Sheomurat Singh was informed by the Enquiry Officer that according to the procedure for departmental enquiry such papers are not given to the accused, and, therefore, he was refused copies of the said documents. These facts will appear from Ext. M30.
- (k) The final domestic enquiry, which was the third enquiry, then started on 15th December, 1961, and, at the said enquiry statements of Sheomurat Singh (Exts. M31 and M32), and his witnesses, Ramgaror (Ext. M34); Panchu (Ext. M35); Jagnu (Ext. M36); Anant Singh (Ext. M41) and Sukhnandan (Ext. M40) were recorded, and, the statements of Jugal, the complainant, (Ext. M37 and M38), and of Parma, witnesses of Jugal, (Ext. M39) were also recorded, in presence of Shri Sheomurat Singh.
- (l) The Enquiry Officer, Shri G. Prasad, however, did not submit his enquiry report, but what he did was that he submitted all the papers of his enquiry to the Chief Mining Engineer. Shri G. Prasad was examined here as EW2, and he admitted that he did not submit any enquiry report in this case because the Manager had been assaulted.
- (m) The Chief Mining Engineer, thereafter, on 18/21 December, 1961, issued a letter (Ext. M1) to Sheomurat Singh informing him that, on consideration of the chargesheet and his reply thereto and the evidence on the record, he was satisfied that he (Sheomurat Singh) was guilty of the charge brought against him, namely, of having "threatened Shri Jugal Ram, miner, to break his legs, etc., if he dare to give evidence against Shri Bagbahadur, Ex-Miner, who assaulted Shri Ganguli, Manager, Jamadoba Colliery on 14th January, 1961" and, therefore, he (Sheomurat Singh) was being dismissed from the company's service with effect from 23rd December, 1961.

4. From the foregoing facts of the case, it will appear, and it is also admitted on behalf of the management, that although three enquiries were held, namely, (1) on 29th November, 1961, by Shri S. P. Panday, Welfare Officer in presence of Shri R. Chawla, the Manager, (2) on 1st December, 1961, by Shri G. Prasad, EW2, which was called a preliminary enquiry, and, (3) on 15th December, 1962, again by Shri G. Prasad, EW2, which is called the final enquiry, curiously enough no enquiry report was submitted of any of these three enquiries.

5. From the facts stated above it also emerges that Sheomurat Singh was not informed, as will appear from Ext. M5., before the Preliminary enquiry on 1st December, 1961, as to who the complainant against him was, and, further that before the commencement of the final enquiry on 15th December, 1961, Sheomurat Singh, inspite of his request, as will appear from Ext. M30, was not supplied with copies of the written complaint dated 28th November, 1961 of Jugal; the record of the preliminary enquiry and its report, if any, of the Enquiry Officer.

6. Shri S. S. Mukherjee, who appeared for the management, contended that the enquiry had been held in presence of the workman, Shri Sheomurat Singh, by the Chief Personnel Officer, and, that the workman had also examined his own witnesses and cross-examined the witnesses examined on behalf of the management, and, the management had also examined its witnesses, and, on a consideration of the same, the Chief Mining Engineer had come to the conclusion that the

charge brought against the workman, Shri Sheomurat Singh, had been proved, and, therefore, the dismissal of Shri Sheomurat Singh was justified. It was, further, argued that, no doubt, the Enquiry Officer, Shri G. Prasad, did not submit his enquiry report of the final domestic enquiry, by virtue of which the workman was dismissed, embodying his findings, but it was not necessary for him to do so when the records of the final domestic enquiry and the evidence at it were submitted before the Chief Mining Engineer for his consideration and the Chief Mining Engineer was satisfied on the evidence that the workman was guilty of the charge.

7. In reply to the above contentions of Shri Mukherjee, it was contended, on behalf of the workman, Shri Sheomurat Singh, by his learned Advocate, Shri D. L. Sengupta, that as no enquiry report was submitted by the Enquiry Officer, as admitted by the management, the present case should be considered to be a case in which no enquiry has been held, and, therefore, the question whether the dismissal of the workman, Shri Sheomurat Singh, was justified or not should be decided by the Tribunal on the evidence adduced before it. He, further, contended that the complainant, Jugal Ram, and, his witness, Parma, even had not been examined before the Tribunal, and, therefore, there was no evidence to establish the charge against the workman, and, as such, it should be held that the charge against the workman had not been proved.

Shri Sengupta, further, argued, in the alternative, that even it be assumed that the charge had been proved, it is not covered by any of the Standing Orders, Exhibit M42, of the company.

Shri Sengupta also argued that the fact that the workman had been dismissed, and not given lesser punishment, as provided by the Standing Orders, and, dismissal being an excessive punishment, clearly shows that it is a case of victimisation.

8. In view of the fact that admittedly the Enquiry Officer, Shri G. Prasad, who held also the final domestic enquiry, did not submit his enquiry report, the Tribunal is not in a position to know what his appraisal of the evidence would have been and what his findings on the evidence before him would have been. In such a situation, in my opinion, it has rightly been contended, on behalf of the workman, that the Tribunal should decide for itself, on the evidence before it, whether the dismissal of the workman, Shri Sheomurat Singh, was justified or not.

9. Before the Tribunal, Jugal, the complainant or his witness, Parma, as stated before, have not been examined. Sheomurat Singh, the workman, has been examined as WW1 and he has completely denied the charge. On the alleged occurrence on 24th November, 1961, which was the subject matter of the charge against Sheomurat Singh, there is, therefore, no evidence worth the name on behalf of the management. The two witnesses, EW1 and EW2, examined on behalf of the management are not on the alleged occurrence on 24th November, 1961. On the Oral evidence adduced before the Tribunal, therefore, it must be held that the charge against the workman, Shri Sheomurat Singh, has not been established.

10. The management, however, has placed before the Tribunal the entire records of all the three enquiries, referred to before, including the statements of witnesses examined on behalf of the parties at those enquiries. Let us, therefore, also see if on those records the charge against Sheomurat Singh had been proved.

11. Shri Sengupta has supplied me with a chart, which is not contradicted by the management, mentioning therein the various statements made by Jugal Ram, the complainant, regarding the alleged occurrence on 24th November, 1961, which also show that the charge against Sheomurat Singh was not proved.

12. (a) In his original complaint, Exhibit M7, addressed to the Agent, Jugal Ram stated:—

"Sheomurat Singh roughly behaved and warned me to be severely dealt with which may cause serious body injury and even to death if you dare to give evidence against Shri Bagbahadur in connection with the case of assault of Mr. A. K. Ganguly, Manager, Jamadoba Colliery.

(b) On 29th November, 1961, in his statement Exhibit M12, taken by Shri S. P. Pandey, Welfare Officer, in presence of Shri R. Chowla, the Manager, Jugal Ram stated:

"The moment he (i.e. Sheomurat) saw me he started speaking 'Let me see which 'sala' is going to give evidence against Bagbahadur. I shall see that his hands and legs are cut or even he is done to death' ".

(c) In his statement on 1st December, 1961, Exhibit M20, at the preliminary enquiry held by Shri G. Prasad, Chief Personnel Officer, EW2, Jugal Ram, the complainant stated:

"When I went in the Attd. Cabin for recording my attendance I heard Sheomurat Babu saying "Those who will give evidence in the assault case of Manager I will break their hands and legs"."

(d) At the final enquiry held on 15th December, 1961, Jugal Ram stated, as will appear from his statement, Exhibit M37, that:—

"On Friday the 24th November, 1961, I went in the Attendance Cabin. Seeing me there Sheomurat Babu said "I would break the hand and leg of the person who would give evidence against Bagbahadur and I would also kill him"."

On being cross-examined by Shri Sheomurat Singh, Jugal Ram stated, as will appear from his cross-examination, Exhibit M38:—

Q. When you saw me was I only talking of recording the Attendance?

Ans. You were recording the attendance and were also talking.

13. From the above various statements made by Jugal Ram, the complainant, at different stages, particularly from (1) his statement on 29th November, 1961, Exhibit M12, (2) his statement on 1st December, 1961, Exhibit M20, and (3) his statement on 15th December, 1961, Ext. M37, it is plain that Sheomurat did not, at all, mention particularly the name of Jugal, but according to the above evidence of Jugal himself, Sheomurat stated generally, without naming Jugal Ram or any body at all, and, therefore, the case of the complainant, Jugal Ram, is not supported by any of his own statements.

14. In this connection, I may also mention that even Parma Singh, witness of Jugal, who gave evidence for Jugal at the three domestic enquiries, did not at all support the charge against the workman, Sheomurat Singh, as will appear from below:

(a) On 1st December, 1961, Parma Singh stated (Ext. M25) that:—

"I heard Sheomurat Babu talking very roughly. He was saying that he would break the hands and feet of the person who gave evidence".

Parma Singh, on being cross-examined by Sheomurat Singh on the same day on 1st December, 1961, stated (Exhibit M26 and M27): "When you were recording attendance there was no other miner. There was only Jugal. There were several other persons sitting. I do not know who they were. They were at a distance of 10' to 12' from the Attendance Cabin."

I pause here for a moment to observe that it is surprising that except Parma, none else was examined to corroborate the evidence of Jugal, although there were several persons sitting at that time on Parma's above evidence.

(b) Parma Singh was examined as witness for Jugal at the final enquiry also on 15th December, 1961. In his statement, Exhibit M39, Parma stated:

"Sheomurat Singh said, "Let us see who goes for evidence. His hand and leg will be broken"."

15. From the above various statements of Parma Singh also made at the preliminary enquiry and the final enquiry, it is clear that even Parma did not specifically mention the name of Jugal as the person who was threatened by Sheomurat Singh.

16. As there is no enquiry report of the domestic enquiry, held by the company on 15th December, 1961, into the chargesheet after it was served on the workman, I do not think I am prevented from looking into the evidence of the witnesses examined at that enquiry and to find for myself if on that evidence also the charge had been established.

17. On the evidence adduced, on behalf of the management, at the three domestic enquiries and also adduced before this Tribunal, my concluded opinion, therefore, is that the charge against the workman, Shri Sheomurat Singh, was not established, and, therefore, his dismissal was not justified.

18. I may also observe that the final domestic enquiry held by Shri G. Prasad on 15th December, 1961, is also vitiated because the violation of the principles

of natural justice. The workman, Sheomurat Singh, was not supplied with, rather denied an opportunity on 15th December, 1961, before the commencement of the final domestic enquiry to look into, the complaint of Jugal Ram, dated 28th November, 1961 (Exhibit M7); the record of the preliminary enquiry held on 1st December, 1961, and, the report, if any, of the Enquiry Officer, Shri G. Prasad, who held the preliminary enquiry, inspite of the complaint (Exhibit M30) of the workman, before the final enquiry started on 15th December, 1961, that without the aforesaid papers it was not possible for him to prepare his defence. He made this grievance also in his reply to the chargesheet Exhibit M4, which he filed earlier on 11th December, 1961 and then repeated his grievance before the final enquiry started on 15th December, 1961.

19. Even the preliminary enquiry held on 1st December, 1961, is vitiated, because the workman, Sheomurat Singh, was asked to appear (Vide Ext. M6) at the preliminary enquiry without being informed who the complainant was and what the charge against him, was as will appear from the workman's petition (Ext. M5).

20. For the aforesaid reasons, in my opinion, the final domestic enquiry held by the company on 15th December, 1961, was in complete violation of the principles of natural justice, and, therefore, the domestic enquiry by virtue of which the workman was dismissed, was completely vitiated and was unfair and not *bonafide*.

21. In view of my finding, that on the evidence adduced before this Tribunal and at the three domestic enquiries held on 29th November, 1961 and on 1st December, 1961, before the chargesheet, and, on 15th December, 1961, after the chargesheet, the charge against the workman has not been proved, I do not think it is necessary consider the alternative argument put forward by Mr. Sengupta, and, therefore, I express no opinion on the same.

22. The result, therefore, is that I hold the dismissal of the workman, Sheomurat Singh, as unjustified, and, therefore, I set aside his dismissal, and, order his re-instatement with full back wages. I, accordingly, make the Award and submit it to the Government under Section 15 of the Act.

23. The Company will implement this Award within 30 days from the date when the Award will become enforceable under Section 17A of the Act.

Dhanbad, dated, the 30th November, 1962.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer.

[No. 2/25/62-LRII.]

S.O. 3917.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Patna, in the industrial dispute between the employers in relation to the Dhori Colliery, P.O. Bermo, District Hazaribagh, Bihar and their workmen.

BEFORE SHRI H. K. CHAUDHURI, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PATNA.

REFERENCE No. 26(C) of 1962

Employers in relation to the Dhori Colliery, P.O. Bermo, District Hazaribagh and their workmen.

For the Employers—Shri S. K. Chatterjee, Advocate.

For the Workmen—Shri Shankar Bose, Member, Central Executive Committee of Colliery Mazdoor Sangh, Dhanbad.

AWARD

By Government of India, Ministry of Labour and Employment, Notification dated the 25th July, 1962 this industrial dispute between the employers in relation to the Dhori Colliery and their workmen has been referred to this Tribunal for adjudication under Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947). The specific matter in dispute is as follows:—

“Was Shri Tawhid Khan, a Driver at Dhori Colliery, rightly dismissed with effect from the 10th June, 1961 and if not, to what relief he is entitled?”

2. Tawhid Khan, the workman concerned in this dispute, was working as a motor driver in the above colliery since December, 1955. The owners of this colliery are Messrs Bokaro and Ramgur Ltd., to be described hereafter as the "Company". It appears that by an indenture dated the 28th December, 1954 (Ext. A) Messrs Ramgarh Industries (Coal) Co., with their office at 22, Chittaranjan Avenue, Calcutta, were appointed Managing Agents of this company to carry on the business of the company and perform all its administrative office and secretarial duties necessary for effective carrying on of the company's business with full power and authority to do all things necessary for the purpose of such duties. Although the term of the managing agency was for a period of 10 years Messrs Ramgarh Industries (Coal) Co. resigned from the managing agency and the agreement with the company was terminated with effect from the 16th August, 1960. About a year after the execution of the managing agency agreement the managing agents appointed Tawhid Khan as a driver under a written agreement dated the 19th December, 1955 which, *inter alia* provided as follows:

- "(j) Your services are liable to be transferred to any place within the Union of India at our option without assigning any reason therefor.
- (k) Your terms of employment will be reviewed after the satisfactory completion of your probationary period.
- (l) Rules regarding service conditions are presently being compiled and you will be notified of particulars in due course." (Ext. 15).

These terms were duly accepted by the employee. On 13th April, 1961 Messrs Ramgarh Industries (Coal) Co. transferred Tawhid Khan to Patna with a direction to report himself for duty to one Shri Ram Lagan Ram, House-in-charge, Ramgarh House, Patna. This order and a second letter dated 7th June 1961 to the same effect were not complied with whereupon Messrs Ramgarh Industries (Coal) Company dismissed the workman on 5th October, 1961 (Ext. 14) with retrospective effect from 10th June, 1961.

3. The Union challenges the legality of this order and complains that it was preceded neither by a chargesheet nor an enquiry. The main contention of the union is that the appointment of the workman having been made by the managing agents functioning on behalf of their principal Messrs Bokaro and Ramgur Ltd., had no authority either to transfer the driver or to dismiss him. The order of transfer is also said to be illegal as it was in contravention of the Standing Orders which provide that a workman can be transferred from one colliery to another only if they belong to the same owner. The transfer, it was submitted, having been made to a domestic establishment with which the colliery had no concern, was wholly irregular.

4. The management contended at the outset that the reference was not maintainable for non-joinder of Ramgarh Industries (Coal) Co. who were the real employers of Tawhid Khan. It is alleged that on 19th December 1955 the services of Tawhid Khan were transferred by Raja Bahadur Kamakshya Narain Singh from his personal service to those of Ramgarh Industries (Coal) Co. of which he was a partner. Ramgarh Industries (Coal) Company is said to have deputed and posted Tawhid Khan as a driver of a jeep owned by and belonging to the said Ramgarh Industries (Coal) Co. It is submitted that the driver used to receive his salary from the head office of the managing agents and he was never treated as a direct employee of the company owning the colliery. The management asserts that the company had nothing to do with the employment or termination of employment of Tawhid Khan and as such the question of dismissal of the workman by the company does not arise at all. It is submitted that Tawhid Khan is not entitled to any relief or reliefs from the company.

5. The principal question for determination in this case is whether Tawhid Khan was an employee of Messrs Ramgarh Industries (Coal) Co. or of Messrs Bokaro and Ramgur Ltd. If the former then it is manifest that the case cannot proceed in the absence of Messrs Ramgarh Industries (Coal) Co. If, on the other hand, Tawhid Khan was an employee of the company then the order of dismissal was clearly illegal as Messrs Ramgarh Industries (Coal) Co., not being his employers, had no authority to dismiss him.

6. I have carefully considered the evidence and the surrounding circumstances and I have no doubt that Tawhid Khan was an employee of the colliery of which the owners are Messrs Bokaro and Ramgur Ltd. It is true that the appointment was made by Ramgarh Industries (Coal) Co. but that by itself is no ground for holding that the workman was an employee of the managing agents. As managing agents of the company the former had full authority to make appointments for and

on behalf of the company. I may quote the following from para 4(a) of the Managing Agency Agreement:

"In pursuance of the power and authority hereby given and in furtherance of the due performance of its duties the Managing Agents shall have in addition to all other necessary powers the following powers, namely, to engage and/or dismiss all managers, agents, assistants, clerks, workmen and other employees of the Company from time to time as it shall think fit and to fix and pay their salaries and wages....."

It has been argued that the contract (Ext. A) does not indicate that the employment was made by Ramgarh Industries (Coal) Company as agents of the company. There is no doubt that this is not expressly stated but the facts and circumstances discussed hereafter would show conclusively that the driver was appointed for the company's work in the colliery.

7. During his entire period of service since 19th December 1955 the driver worked only in the colliery and nowhere else. This is what Tawhid Khan stated in his evidence:

"I was appointed a driver in Dhori Colliery on 19th December 1955. I worked in this colliery all along since my appointment. I used to drive cars and trucks. These cars and trucks were used by the Manager and other officials of the colliery including the Agent.

My official dealings were always with the Agent who lives at the colliery."

This evidence has not been challenged on behalf of the management. On the contrary it receives confirmation from a series of letters and orders filed by the workman. All these letters etc. were issued by the officials of the colliery.

8. The evidence of Tawhid Khan further is that he used to receive his salary from the head office of the company. There is nothing to show that this payment used to be made by Messrs Ramgarh Industries (Coal) Co. In fact since the driver was employed solely in the business of the company it was the company which was liable for his salary. Clause 5(ii) of the Managing Agency agreement is as follows:—

"The Company shall bear and pay the rent of the Calcutta office of the Company and all electricity charges, postages cables, telegrams, telephone calls, stationery and the like expenses and shall also pay the salary and commission and other expenses (if any) of persons employed solely in the Company's business whether employed in the Calcutta Office or elsewhere and shall also bear the pay or reimburse to the Managing Agents an appropriate proportion of the salary commission and other expenses (if any) of any staff employed partly in connection with the business whether employed in the Calcutta Office or elsewhere."

The evidence of Tawhid Khan that he was being paid by the Head Office at Calcutta seems therefore to be highly probable.

9. There is abundant evidence to show that the company treated Tawhid Khan as one of the employees of the colliery. The driver was allotted residential quarters by the proprietors similar to those given to the other workers of the colliery. He enjoyed the benefits of light, water and fuel free of cost like other employees. Like other peons and drivers working in the colliery he used to be supplied with umbrella and long coat. He also used to enjoy the benefit of free treatment at the colliery dispensary. Provident fund deductions also used to be made from his salary. While working there he got increments in his salary. Learned counsel appearing for the management drew my attention to para 16 of the workmen's written statement where it is stated that as an employee in the employer's coal mine he was entitled to claim quarterly bonus from his employer under the Coal Mines Bonus Scheme but he had been unlawfully deprived of the same throughout the period of his service. Reference is also made to para 19 where it is stated that the company has stopped contributing its share of provident fund to the account of Tawhid Khan. In the absence of any evidence to show under what circumstances the contribution was stopped since April 1958 or why the workman was not allowed to enjoy the benefit of the Coal Mines Bonus Scheme I am unable to hold that by themselves they prove that Tawhid Khan was not an employee of the colliery owner. It is possible that since he was a driver the company thought that he was not entitled to the bonus scheme. So far as provident fund contribution is concerned it is significant that this was stopped several years after. Whatever doubts these circumstances might create they are all set at rest by the fact that Tawhid

Khan continued to be employed in the colliery even after the termination of the managing agency. The managing agency, it will be remembered, was terminated on 16th August 1960. Admittedly the driver was employed in the colliery till 10th June, 1961. My finding, therefore, is that it has been satisfactorily established that Tawhid Khan was an employee of Messrs Bokaro and Ramgur Ltd. That being so, Messrs Ramgarh Industries (Coal) Co. had no authority to transfer the workman or to dismiss him subsequently for non-compliance with that order.

10. On behalf of the union it was further contended that the order of transfer itself being in contravention of the Standing Orders was illegal. Shri Bose has in this connection referred to Standing Order 17 of the Model Standing Orders for Coal Mining Industry which lays down that a workman is liable to be transferred in the exigencies of work from one department to another or from one station to another or from one coal mine to another under the same ownership. It is urged that the order of transfer in this case was to a domestic establishment at Patna with which the company had no concern. The question, however, is of academic interest for the order of transfer not having been passed by the employers had no effect in the eye of law. On the merits, however, this contention cannot be accepted. I have already referred to the terms of employment by which Tawhid Khan must be deemed to be guided. It expressly provides that the driver's services were liable to be transferred to any place within the Union of India at the option of the employer without assigning any reason therefor. Shri Bose argued that since the workman was an employee in the colliery the Standing Orders and not the terms of the agreement would apply to him. I am unable to agree with this contention. This is a case of conflict between the provisions of the Standing Orders and the special agreement entered into between the employer and the employee. It has been held in Messrs J. K. Cotton Manufacturers Ltd., Kanpur v. J. N. Tewari and Ors. (A.I.R. 1959 Allahabad 639) that it is true that Standing Orders lay down the conditions of employment but it does not follow that conditions of employment cannot be laid down in any other manner. It was expressly held that a written agreement may contain special terms of service and in the case of conflict between general conditions of employment contained in the Standing Orders and the special terms contained in a written contract the terms of the special contract will prevail. The workman must, therefore, be deemed to be guided in the present case by the contract dated the 19th December, 1955. In view, however, of my finding that the driver is an employee of the company his dismissal must be held to be illegal.

11. I direct that the workman be reinstated with all back wages and other emoluments with effect from the date of his dismissal.

12. I give my award accordingly.

Recorded at my dictation and corrected by me.

(Sd.) H. K. CHAUDHURY, Presiding Officer,
Central Govt. Industrial Tribunal, Patna.

(Sd.) H. K. CHAUDHURY,

P.O., Central Govt. I.T., Patna, 7-12-62.

[No. 2/37/62-LRIL]

S.O. 3918.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the matter of an application under section 33A of the said Act from Shri Sidhu Gosain, underground loader, Chapul Khas Colliery, P.O. Kalipahari, District Burdwan.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

MISC. CASE No. 6 OF 1962 (UNDER SEC. 33A)

Arising out of Reference No. 15 of 1962

PARTIES:

Shri Sidhu Gosain, Underground loader, Chapul Khas Colliery, P.O. Kalipahari, Dt. Burdwan.—*Applicant.*

Vs.

The Manager, Chapul Khas Colliery, P.O. Kalipahari, Dist. Burdwan—*Opposite Party.*

PRESENT:

Shri L. P. Dave—Presiding Officer.

APPEARANCES:

On behalf of applicant—Shri Kalyan Roy, General Secretary, Indian Mine Workers Federation.

On behalf of Opposite party—Shri A. C. Seth, Manager, Chapui Khas Colliery.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

This is an application under section 33A of the Industrial Disputes Act.

2. The applicant alleges that he was working as an Underground loader for a long time; that the opponent did not like him because of his Trade Union activities; that on 30th May 1962 he had to remain underground for more than twelve hours without food and water and the cage was not sent down to bring him up; that when at last he was brought to the surface he and other loaders asked the Banksman the reason for the delay, that thereupon the Banksman, who is a favourite of the Manager, lost his temper and called some people and the applicant had to run away; that the applicant reported the matter to the Manager who did nothing; that the applicant and another loader were singled out and were charge-sheeted by a letter of 30th May 1962; that they replied denying the allegations; that a formal enquiry was ordered to be held; that the inquiry was a mockery; that the applicant was not allowed to state his case and there was complete violation of principles of natural justice; that they were ultimately dismissed by a letter dated 6th June 1962; that the dismissal is *mala fide* and actuated by extraneous grounds and amounted to unfair labour practice and is in gross violation of principles of natural justice; that the opposite party has violated Section 33 of the Industrial Disputes Act as they did not take any written permission of the Tribunal and dismissed the applicant during the pendency of Reference No. 15 of 1962 and Reference No. 12 of 1962. The applicant, therefore, prayed that he may be ordered to be reinstated with back wages.

3. In reply to a notice issued by this Tribunal, the Opposite party filed a written statement alleging that the application was misconceived and was not legal and maintainable as the applicant was not a workman concerned in the dispute of Reference No. 15 of 1962; that the application is not warranted and is not *bona fide*; that the application has been filed at the instance of the Union who are raising uncalled for matters in the shape of disputes on untenable grounds; that the allegations made in the application are not true; that it is true that the applicant was an underground loader but it is not true that he was not liked by the Opposite party because of his Trade Union activities; that the opposite party denies the allegations made in para 2 of the application and states that it has reasons to believe that no such instance took place; that the applicant was dismissed for proved misconduct after an enquiry and after he was given opportunity to conduct his defence; that it was proved that he had during duty hours assaulted a Banksman named Jagnarayan Singh with a shovel; that the allegations made in paras 3 and 4 of the application are not true; that it is not true that the applicant was not allowed to state his case; that there was no violation of principles of natural justice; that an enquiry was held properly and fairly and the applicant was given full opportunity to defend himself; that the allegations in paras 5 and 6 of the application are also denied. The Opposite party, therefore, urged that the application should be rejected.

4. This is an application under section 33A of the Industrial Disputes Act. The applicant who was admittedly working as Underground loader in the Chapui Khas Colliery alleges that the opposite party contravened the provisions of Section 33 of the Industrial Disputes Act by dismissing him during the pendency of Reference Nos. 15 and 12 of 1962 without obtaining permission in writing of this Tribunal or without making an application for approval of its action. The Opposite party firstly contends that the application is not maintainable as the applicant was not a workman concerned in the above references and also as they passed the order of dismissal after the above references were disposed of.

5. As there were industrial disputes between the employers in relation to the Chapui Khas Colliery and their workmen, the Government of India made two orders referring the said disputes for adjudication to the Industrial Tribunal, Dhanbad. One of these orders was passed on 13th June 1961 and the second on 14th July, 1961. By a subsequent order of 13th December 1961 the Government withdrew the proceedings in relation to both the above disputes and transferred the same to this Tribunal, and they were numbered as References Nos. 12 and 15 of

1962 before this Tribunal. This Tribunal passed its awards in both cases on 31st May 1962; and they were published by the Government on 12th June 1962. Under Section 20 Sub-section (3) read with Section 17A of the Industrial Disputes Act, the proceedings in relation to the above disputes must be deemed to have commenced before this Tribunal on 19th December 1961 and to have concluded on 12th July, 1962. It is not in dispute that the applicant was dismissed by the Opposite party by an order 19th June 1962.

6. The Opposite party has stated in the written statement that the order of dismissal was passed after the above references were disposed of but even though the awards in the above reference were passed on 31st May 1962, the proceedings were still pending; because under Section 20, Sub-section (3) of the Industrial Disputes Act, they are to be deemed to have concluded on the date on which the award becomes enforceable under section 17A, which section lays down that an award would become enforceable on the expiry of 30 days from the date of its publication. As the awards were published on 12th June 1962, they became enforceable on 12th July 1962 and till then the proceedings were not concluded but were pending. Thus there can be no doubt that the order of dismissal was passed while the above proceedings were pending.

7. The Opposite party has then contended that there was no breach of Section 33 of the Industrial Disputes Act as the applicant was not a workman concerned in the above dispute. The disputes which were the subject-matters of References 12 and 15 of 1962 were disputes between the employers in relation to Chapui Khas Colliery and their workmen. In other words, all workmen of that Colliery were parties to the disputes.

8. It is true that Sub-sections (1), (2) and (3) of Section 33 deal with different kinds of change of working conditions etc. of workmen during the pendency of a Reference. Sub-section (1) relates to changing conditions of service in regard to any matter connected with the dispute and to any mis-conduct connected with the dispute etc. Sub-section (2) relates to matters not connected with the dispute or mis-conducts not connected with the dispute. Sub-section (3) relates to protected workmen. Admittedly, the applicant does not come under Sub-section (3) as he is not a protected workman. The present case would not also come under Sub-section (1) because the applicant was not dismissed because of any mis-conduct connected with the dispute, but he was dismissed for a mis-conduct not connected with the dispute. In other words, the case would come under Sub-section (2) which sub-section applies to all workmen 'concerned' in such dispute.

9. The applicant may not be directly concerned in the original dispute but he was certainly one of the workmen in the colliery and as such he was concerned in the said dispute. The dispute in the original reference was not an individual dispute regarding particular workman or workmen. If that were so, there would have been no valid reference. The reference was made because the dispute was taken up by a Union and because the Government felt that all workmen were interested in the dispute. In the order of Reference also, it has been stated that a dispute existed between the employers in relation to the colliery and their workmen. I therefore think that the applicant was a person concerned in the dispute and if the Opposite party wanted to dismiss him for any mis-conduct not connected with the dispute, they would have done so by following the procedure laid down in Sub-section (2) of Section 33 namely that he should have paid wages for one month and an application should have been made by the employers to this Tribunal for approval of their action. That was not done and the employers thereby clearly contravened the provisions of Section 33, Sub-section (2) of the Industrial Disputes Act. The applicant is therefore entitled under Section 33A to make a complaint and this Tribunal is bound to adjudicate upon it as if it were a dispute referred to or pending before it.

10. I now come to the merits of the case. As I mentioned above, the applicant was admittedly working as an Underground loader in the colliery for some years and that he was working in the third shift of 29th May 1962 starting from 10 P.M. to 6 A.M. of 30th May 1962. His allegation is that after he and other loaders had completed their work, they went to the bottom of the pit for being taken in a cage to the top of the pit. They further said that the cage was not sent down for quite a long time in spite of signals sent by the On-setters at their request; that ultimately the cage came down at about 10 A.M. and they came out of the colliery at that time. There appears to have been some exchange of words between the applicant and the Banksman named Jagnarayan Singh. According to the applicant, when Jagnarayan Singh was asked about the delay, he abused the applicant and called some people to assault him (applicant), who thereupon ran away. On the other hand, Jagnarayan Singh's case is that the applicant assaulted him with a

shovel and then went away. It was for this alleged assault on Jagnarayan Singh that a charge-sheet was issued against the applicant and he was ultimately dismissed. The applicant alleges firstly that he did not assault Jagnarayan Singh and secondly that the enquiry that was held was not *bona fide*; that principles of natural justice were not followed and that his dismissal was actuated by extraneous motives and amounted to unfair labour practice.

11. The law regarding the scope of adjudication when a person is dismissed on the ground of misconduct after holding a departmental enquiry is well settled. The Tribunal is not sitting in appeal against the decision of the Domestic Tribunal and it has no right to substitute its own judgment for the Enquiry Officer's judgment. The Tribunal would however interfere when there is a want of good faith or where there is a victimisation or unfair labour practice or where the Management has been guilty of a basic error or violation of principles of natural justice or where the finding is found on the materials completely baseless or perverse. It has been held that in dealing with a matter of this type, the Tribunal must enquire whether the order of dismissal has been passed *mala fide* and with improper motive or is the result of a desire to victimise the workman and if the answer to the questions is in favour of the workman, the Tribunal can and should set aside the said order. It has also been held that if a proper charge has been framed and a proper enquiry has been held by the employers, the Tribunal can interfere if the conclusion is perverse or is not supported by evidence. Similarly, if the trials has been conducted unfairly in violation of the principles of natural justice, interference by the Tribunal would be justified, but it would not be open to the Tribunal to sit in appeal over the conclusions of fact recorded by the domestic enquiry and it would not examine the evidence adduced in the case or consider the probabilities or examine the reliability of the two rival versions or come to the conclusion that the version of the workmen should be preferred to that of the employer; because these could be done only by a Court of Appeal and the Tribunal is not sitting in appeal against the judgment of the domestic tribunal.

12. What must, therefore, be considered in the present case is whether there is a want of good faith or victimisation or unfair labour practice or whether the Management has been guilty of violation of principles of natural justice, whether the trial has been conducted unfairly or whether there has been a proper enquiry or not. If there has been a proper enquiry and if the domestic tribunal has come to a finding based on the evidence adduced before it, then the Industrial Tribunal would not be entitled to interfere. On the other hand, if there has been no proper enquiry or if the enquiry has been unfairly conducted and principles of natural justice have been violated, this Tribunal would have to set aside the order of dismissal.

13. It is not in dispute that a quarrel took place between the applicant and Jagnarayan Singh on 30th May 1962. The applicant was an Underground loader while Jagnarayan Singh was working as a Banksman. It was the duty of the Banksman to send cages underground and to bring them back. The applicant alleges that in spite of repeated signals, the cage was not sent down with the result that he and others had to remain underground for several hours after their duty was over and when they came out they asked the reason of the delay from Jagnarayan Singh. On the other hand, Jagnarayan Singh says that there was hardly a delay of five minutes. I do not believe Jagnarayan Singh's case on this point because if there was a delay of only five minutes, it is not likely that the loaders would make a grievance about it. Further, according to the chargesheet itself, the applicant is said to have assaulted Jagnarayan Singh at 9-40 A.M. The third shift works from 10 P.M. to 6 A.M. and the loaders would be completing their work by about 7 A.M. or so and this would mean that there was a delay of more than two hours before a cage was sent down to bring them up. It then appears from the evidence of the Labour Welfare Officer that on earlier occasions also, he had received complaints from On-setters that loaders used to threaten them if there was even the slightest delay in sending them up the pit. Reading between the lines, I feel that the relations between the loaders on the one hand and the Banksman on the other were not quite cordial and that there was considerable delay in bringing the loaders above the surface on 30th May 1962, and this led to a quarrel, between the applicant and Jagnarayan Singh.

14. On 30th May 1962 a chargesheet was issued to the applicant stating that it had been reported by Jagnarayan Singh and others that the applicant had assaulted them while they were on duty at about 9-40 A.M. on that day and that he also abused them. He was therefore alleged to have violated regulation 38(4) and Standing Order 27(5) and he was asked to reply to it. He replied on 1st June 1962 denying the charge and stating that he had neither abused nor assaulted Jagnarayan or other; that he and other loaders were compelled to remain underground for

more than 12 hours and though they repeatedly asked that the cage should be sent to pick them up, it was only at about 10 A.M. that they were brought to the surface; that when they asked the reasons for this delay, Jagnarayan Singh abused them and when the loaders protested, Jagnarayan Singh shouted that the loaders should be assaulted; that they found some people running towards them and thereupon the applicant ran away to his quarter.

15. As I mentioned above, it is not a function of this Tribunal to go into the merits of the case and decide whether the decision of the Enquiry Officer is correct or not. It has however got to consider whether there was a proper enquiry and whether the dismissal is *bona fide* or not.

16. After the applicant replied to the chargesheet on 1st June 1962, the Manager appears to have written to the applicant on 3rd June 1962 stating that his reply was not considered satisfactory and that a departmental enquiry would be held at 8 A.M. on 5th June 1962 in the Manager's office and that he was required to be present with all his witnesses; otherwise the enquiry would be held *ex-parte*. It may be noted at this stage that a chargesheet was issued not only against the applicant but against another loader Nathu Bhuyan also and the above letter of 3rd June 1962 was issued against both of them asking them to remain present in the Manager's office at 8 A.M. on 5th June 1962 with their witnesses for the purpose of the enquiry. It may also be noted that it was not mentioned in this letter as to who was to hold the enquiry. (The enquiry is said to have been held by the Labour Welfare Officer). It also appears that not only the above letter of 3rd June 1962 was issued to the applicant and Nathu Bhuyan but at the same time another letter was issued to some persons requiring their presence at the Manager's office at 8 A.M. of 5th June 1962 in connection with the enquiry with the chargesheet issued to the applicant and Nathu Bhuyan. These persons were evidently to be examined as witnesses in the case.

17. The applicant has admitted that he was served with a chargesheet on 31st May 1962. He however says that he was not allowed to work in the mine that night. He has further stated that he replied to the charge-sheet and also that he was served with notice about holding the enquiry and that he attended the said enquiry. He then says that he went to the enquiry along with Nathu Bhuyan; that at that time the Labour Officer asked some questions to him; that no one else was present at that time except the Labour Officer and the Manager; that when he was about to leave, the Labour Officer asked him to put his thumb mark on a blank paper which he refused. He denied that statements of Jagnarayan Singh and others were recorded in his presence or that he put some questions to Jagnarayan Singh and some others or that he had refused to put any question to others. In other words, according to the applicant, no proper enquiry was held; that no statement was recorded in his presence and that he had no opportunity of cross-examining any of the persons whose statements are said to have been recorded. The Management deny this allegation and urge that a proper enquiry was held in applicant's presence and that he actually cross-examined some of the witnesses. In support of their allegation the Management have examined the Labour Welfare Officer (Shri Agarwal) and Jagnarayan Singh, the workman who is stated to have been assaulted.

18. So far as Jagnarayan Singh is concerned, after stating as to what had happened at the time of the incident, he stated that he went to the Agent and informed him of what had happened. Then he also went to the Manager and gave him a report in writing; that on the very day the Police recorded his statement in the presence of the Agent and the Manager; that he did not remember whether his statement was recorded thereafter by any one after two or three or four or seven days. Later on, he stated that after some days the Labour Officer called him to the office and recorded his statement, that at that time the Manager, the Agent and the applicant were present and that the applicant did not ask any question to him, and that at that time Nathu Bhuyan was not present. He has been stated that the Labour Officer asked the applicant in his presence whether he had assaulted him and he denied it. He has further stated that he did not remember whether he had got any notice from the Management at any time and that a Chaprasi had come to call him to the office when his statement was recorded; that the Attendance Clerk was called there and his statement was recorded; that thereafter a Tub Pusher was called and his statement was recorded; and that some loaders were standing outside the office when the statements were recorded, but he did not know why they had gathered and that Nathu Bhuyan was one of them.

20. It may be remembered that a charge-sheet was issued not only against the applicant but against Nathu Bhuyan also and a joint enquiry was supposed to be held against both of them. At any rate, both the applicant and Nathu Bhuyan

must have attended the Manager's office for the purpose of the enquiry at the same time. According to the statement of Jagnarayan Singh, Nathu Bhuyan was not present when his statement was recorded. It appears that Nathu Bhuyan was held not guilty and no action has been taken against him. Action has been taken only against the applicant and that is probably why Jagnarayan Singh is careful to say that applicant was present when his statement was recorded. But if we scrutinise his statement and consider it as a whole, it would appear that neither the applicant nor Nathu Bhuyan must have been present when Jagnarayan Singh's statement was recorded. They might have been sitting outside the office but they must not have been inside the office and the statement of Jagnarayan Singh must not have been recorded in the presence and hearing of the applicant nor could he have been asked or given an opportunity to cross-examine Jagnarayan Singh and the other witnesses.

21. Coming to the evidence of the Labour Welfare Officer, Shri Agarwal, he is not himself quite sure about the details of the enquiry. He said that on 30th May 1962, Jagnarayan Singh came to him and gave a written complaint about the applicant having assaulted him. He then said that earlier in the day the Agent had called him and asked him to record the statement of Jagnarayan Singh; that he took him to his office and recorded his statement and also recorded the statement of one Rupan Kori; that he then went to the pit mouth and made oral enquiries and that late in the evening Jagnarayan Singh went to him and gave him a written complaint. The Labour Welfare Officer has then said that after two or three days the Manager sent a charge-sheet which had been issued by him (Manager) to the applicant and applicant's reply thereto to him (Labour Welfare Officer) and asked him (Labour Welfare Officer) to hold a departmental enquiry. He asked the Manager to issue a departmental enquiry letter to the applicant and accordingly the Manager issued a notice to the applicant fixing 5th June 1962 as the date of enquiry. The Labour Welfare Officer then says that on that day the applicant did not turn up though a notice had been issued to him; so, he sent for him and he asked for time; so he adjourned the enquiry to the 6th on which day the applicant came to the office; the Labour Welfare Officer explained the charge-sheet to him and also his reply and asked him if he had any witnesses and he said that he had not brought witnesses that day and that the Labour Welfare Officer should call them on the 7th and he gave the names of two loaders as witnesses. The Labour Welfare Officer then said that on the 9th he recorded the statement of Jagnarayan Singh, asked the applicant to cross-examine him and he did put some questions to Jagnarayan Singh by way of cross-examination; after this the Labour Welfare Officer recorded several statements, one of them of an Attendance Clerk, another of a Mining Apprentice and the third of a Tub Pusher; he asked the applicant to cross-examine them one by one but in some cases he did not do so, though he did put some questions to one or two; the Labour Welfare Officer then recorded statements of the two persons who had been named by the applicant but before doing so he recorded the applicant's statement. After recording all these statements, he wrote out his report and sent it to the Manager. This is in short the evidence of the Labour Welfare Officer given in his examination in chief.

22. Before I proceed to consider the replies given by him in his cross-examination, I may mention that the papers of the enquiry produced in the case show that several statements were recorded by the Labour Welfare Officer on 5th June 1962. The statements were those of Jagnarayan Singh, Pardeshi Tell (who is an Underground loader), Pradip Singh, Gopi Bhuyan, Bijupati Bauri, Sarju Singh (all of whom are Tub Pushers), T. Sen Sharma (Mining Apprentice), B. B. Seal Barman (Designation not known) and N. G. Mukherjee (Attendance clerk). Some but not all, of them have said that the applicant assaulted Jagnarayan Singh. All these statements bear the signatures or thumb marks of the persons who have made them and an endorsement by the Labour Welfare Officer that the statement was recorded by him. There is also an endorsement in some cases that the applicant did not cross-examine the person and lastly there is an endorsement that the applicant refused to sign. The statement also bear the signatures of the Manager and in some cases his signature is described as witness. The enquiry papers then show that the statement of the applicant was recorded on 6th June 1961 and it bears the signature of Labour Welfare Officer and also of the Manager. We then find two statements recorded on 8th June 1962 and they are of Rupan Kori and Hardev Gope whose names are said to have been given by the applicant as defence witness. The enquiry papers also contain a letter written by the Manager to these two witnesses Hardev Gope and Rupan Kori. It appears that these letters originally bore the date 7th June 1962 and mentioned that they should attend the Manager's office "to-day i.e. 7th June 1962 at 4 P.M." in connection with 'some' departmental enquiry. Later on the date was changed from 7th June 1962 to 8th June 1962 and the time from 4 to 5 P.M. Enquiry papers also

include an outdoor patient's ticket issued to Jagnarayan Singh on 30th May 1962 when he attended the Government hospital and a certificate from the Medical Officer of that hospital. The Medical Officer however does not appear to have been examined before the departmental enquiry.

23. In his cross examination on the first day, the Labour Welfare Officer stated as under:

"On being asked whether I recorded all the statements on the 9th June, I say that I recorded some statements on the 6th and some on the 9th I am sure that I have not recorded any statement on the 5th. I have also not recorded any statement on the 8th. When I recorded the different statements at different times the Manager was present all-throughout. I again say that he was mostly present. I am not quite sure but he may not have been present when Rupen Kori and Hardev Gope were examined. The Manager took an active interest in the enquiry that was being held by me and he has put in his signatures on almost all the statements recorded by me. He did not put any question to any of the persons. The statement of Jagnarayan Singh is now shown to me and it bears the date 5th June 1962. It appears that there must have been some mistake when I started to write the date but I then corrected it and put the date 5th June 1962. I now admit that Jagnarayan Singh's statement was recorded on 5th June 1962. I now say that it was after Jagnarayan Singh's statement was recorded on the 5th that he asked for time and I adjourned the enquiry to the 6th. I did not record any further statement on the 5th. I am now shown seven statements all bearing the date 5th June 1962 and I admit that they were all recorded on 5th June 1962. I now say that I am not sure about the dates and all that I can say is that I held the enquiry between the 5th and the 9th. It may be correct that I may not have recorded any statement on the 9th."

24. The Labour Welfare Officer's cross-examination was not completed on the first day and his examination continued on a later day. At that time, he stated among other things as under:—

"On 5th June 1962 one Pardeshi-Tell who is an underground loader had been called by me to appear at the departmental enquiry. He was called not by a letter but by sending a peon after the enquiry was started on the 5th and he appeared before me on the 5th and I recorded his statement also on the 5th. I called other loaders at the enquiry when Sidhu Gossain gave their names. They were called on the 8th".

"On 6th June 1962 when I recorded the statement of applicant, he gave me the names of his witnesses. I have not written down the names in his statement. On that very day i.e. on 6th June 1962, I orally told the Manager to call these persons as Defence witnesses but the Manager did not write a letter to them till the 8th".

"I did not keep any diary of the enquiry held by me. I have no written documents to show as to on what dates the matter was adjourned from time to time".

"I did not record applicant's statement on 5th June 1962 as time was over and I recorded it on 6th June 1962."

"On 6th June, 1962, the persons present in the room when I recorded the applicant's statement were himself, myself, Jagnarayan Singh and the Manager. All the witnesses whose statements were recorded by me on 5th June, 1962, were also present outside the room. Though the applicant had declined to cross-examine all of them on the 5th, I had kept all of them present on the 6th in case there was any emergency."

"If while the enquiry was going on, the Manager was called away for other work, I stopped the enquiry till he came back and resumed it only when he was present".

"When I adjourned the enquiry on the 5th, I told all people that I would resume the enquiry on the 6th at a particular time. I do not remember where when I adjourned the enquiry on the 6th I informed the applicant that the enquiry would be resumed by me on a particular date. I held the enquiry on the 8th at 4 or 5 p.m. The applicant was present at that time and I had not to send for him. I had at no stage fixed the enquiry to be held on the 7th. I cannot explain why the Manager sent a letter to Hardev Gope and Rupan

Kori in which originally date was mentioned as 7th but later on changed to 8th".

"On the 30th May, 1962, I had recorded the statement of Jagnarayan Singh and Rupan Kori. I cannot say why Rupan Kori was not called as witness on the 5th even though his statement had already been recorded by me on 30th May, 1962."

25. A careful examination and consideration of the enquiry papers and the statement of the Labour Welfare Officer clearly go to show that he was not the Master of himself when he was holding the enquiry but was almost a tool in the hands of the Manager. He had not issued a single letter to any witness calling him to remain present though he said that he requested the Manager to do so. He has not kept a diary showing as to on what date the enquiry was held or as to on what date it was adjourned. He is not sure of the dates on which he actually held the enquiry. He had no voice in calling witnesses. He had already recorded the statement of an important person named Rupan Kori on the very first day namely on 30th May, 1962 but curiously enough Rupan Kori's name was not included in the names of persons to whom a letter was sent on 3rd June, 1962, asking them to remain present in the enquiry. On the other hand, one Pardeshi Tol, whose name was not included in this list was specially called by sending a Chaprasi and his statement was recorded on 5th June, 1962. It is also not explained as to why the applicant's statement was not recorded on 5th itself. It is said to have been recorded on the 6th. It is also said that when different witnesses were examined on the 5th, the applicant was asked to cross examine them and he declined to cross-examine almost all of them and yet curiously enough all of them were required to remain present on the 6th in case there was any "emergency". The matter is then said to have been adjourned for examining defence witnesses. The names of the defence witness are not written in the statement of the applicant. But a letter is addressed to them by the Manager asking them to attend his office "in connection with some departmental enquiry". This letter is originally typed on the 7th and also asks the persons to remain present on "to-day i.e., 7th June, 1962". Later on the date is changed to 8th and the persons are said to have been examined on the 8th. If when the enquiry was adjourned on the 6th and if at that time the Labour Welfare Officer had announced that he would continue the enquiry on the 8th, there is no reason why there should have been a mistake in this letter as originally written by the Manager. It would mean that no date must have been announced on the 6th. The Manager thought of calling these people on the 7th and probably he could not do so. Therefore the letter was issued on the 8th and these persons were called and their statements were recorded. In this connection, I must observe that the Manager has not gone into the witness box though he is probably a very important witness inasmuch as the Labour Welfare Officer was only a tool in his hands and could do nothing in his absence. I may in this connection also mention that I had suggested at an early part of the enquiry that the Manager may go into the witness box as he had taken a leading part in the enquiry, but he has not done so. I may also add that in the letter addressed to Hardev Gope and Rupan Kori the Manager had later on made an endorsement under his signature that these two witnesses were called at the instance of the applicant. There is, however, nothing to support this endorsement. As I mentioned above, the names of these persons were not written down in the statement of the applicant and there is nothing to show that they were called at the applicant's instance.

26. On the whole, I am satisfied that no proper enquiry was held in the matter. Statements of witnesses were not recorded in the presence of the applicant and he had no opportunity to cross-examine them. The matter was adjourned from time to time and he (applicant) was not intimated of the adjourned date or time. Probably no time or date was fixed, when the matter was adjourned. Principles of natural justice have thus been flagrantly violated and the finding of the enquiry has no value.

27. I may also mention here that the Enquiry Officer was not the master of himself but was almost a tool in the hands of the Manager; that the Manager was really the Enquiry Officer but only for the purpose of show it was stated that the enquiry was conducted by the Welfare Officer. Whenever the Manager went out of his office, the enquiry was held up till he returned. Actually I am very doubtful whether the report about the finding of the enquiry was written by the Labour Welfare Officer himself or some one else has written it and he has merely signed it. The language of the report makes me feel that the Labour Welfare Officer must not have written it.

28. It is true that the Management urged that a proper enquiry was held and that proper opportunity was given to the applicant to cross-examine the witness etc. In a case of this type one would not expect the management to admit that they have violated the principles of natural justice or to admit that the enquiry was not proper or was a sham one. Looking to the circumstances of the case, I am satisfied that the enquiry was not proper.

29. I am also of the opinion that the order of dismissal was not *bona fide*. For one reason or another, the management did not want the applicant in the mine. They were already prejudiced against him. When they issued a charge-sheet to him on 30th May, 1962, they did not mention therein that he was suspended pending the enquiry. Still, when he went to work that evening, he was not allowed to work. On the very next day (i.e., on 31st May, 1962), the applicant sent a letter under Registered Post to the Manager stating that he had not been allowed to work. This letter was sent by the Manager to the Labour Welfare Officer. This letter also contains the applicant's case about the incident and yet curiously enough no reference has been made to this letter or to its contents at any stage of the proceedings or even in the findings of the enquiry. The Management appear to have taken law in their own hands on the first day and did not allow the applicant to work and later on only when he sent a Registered letter he was allowed to work and still nothing is mentioned anywhere as to why he was prevented from working for a day or two or as to whether he was given any compensation or wages for that period.

30. The result, therefore, is that this Tribunal cannot accept the finding of the domestic tribunal. As I mentioned above, principles of natural justice were violated and there was no proper enquiry. The order of dismissal based on that enquiry must, therefore, be set aside.

31. The question then is as to what order should be passed in the present case. It is true that when an order is set aside on the ground that there was no proper enquiry, it would be open to the employers to satisfy the Tribunal that on merits the order was proper. The employers, however, have laid no evidence before this Tribunal on the question of actual incident except examining Jagnarayan Singh. Apart from the fact that Jagnarayan Singh is an interested witness, we have to remember that he has not spoken the whole truth. He stated that there was a delay of only five minutes in sending down the cage whereas, as I mentioned above, the delay was of more than two hours. As against his evidence, the applicant has denied having assaulted Jagnarayan Singh. Thus there is word against word. There is no independent corroboration of Jagnarayan Singh's evidence. In the circumstance, I am not satisfied that the charge against the applicant has been proved. His order of dismissal cannot be upheld.

32. In the result, the order of dismissal of the applicant is set aside and he is ordered to be reinstated from the date of his dismissal with continuity of service and with payments of full wages etc., for the entire period. The Management should also pay Rs. 100 (Rupees One hundred) as costs of the applicant.

Dated the 6th December, 1962

(Sd.) L. P. DAVE,
Presiding Officer.
[No. 1/9/59-LRII.]

ORDERS

New Delhi, the 22nd December 1962

S.O. 3919.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Parbeia Colliery of M/s Bengal Coal Co. Ltd., P.O. Disergarh, District Burdwan, West Bengal and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether refusal to give employment to 103 casual wagon loaders by the employer was justified? If not, to what relief the workers are entitled?

[No. 6/6/62-LRII.]

New Delhi, the 24th December 1962

S.O. 3920.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Parbelia Colliery of Messrs Bengal Coal Company Limited, Post Office Dishergarh, District Burdwan, West Bengal and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Parbelia Colliery was justified in dismissing Mouji Mahato, Wagon Loader with effect from the 5th October 1962? If not, to what relief is the workman entitled?

[No. 6/15/62-LRII.]

CORRIGENDUM

New Delhi, the 21st December, 1962.

S.O. 3921.—In the Government of India, Ministry of Labour and Employment, Notification No. S.O. 3254, dated the 17th October, 1962, appearing on pages 3483-3485 of the Gazette of India, Part II, Section 3, sub-section (ii) dated the 27th October, 1962, in the Table,—

(a) in column 2, against serial No. 17, for “(Vertification)” read “(Verification)”;

(b) in column 3:—

(i) against serial No. 26, for “The States of Madhya Pradesh and Rajasthan”; read “The State of Bihar”;

(ii) against serial No. 34, for “The States of Madras, Mysore and Kerala”, read “The States of Gujarat and Maharashtra”;

(iii) against serial No. 38, for “The States of Orissa and Andhra Pradesh” read “The States of Madras, Mysore and Kerala”.

[No. F. 1/65/62-L.R-I.]

A. L. HANDA, Under Secy.

New Delhi, the 19th December 1962

S.O. 3922.—In exercise of the powers conferred by sub-section (3) of section 5A, read with section 9, of the Dock Workers (Regulation of Employment) Act, 1948, the Central Government hereby appoints the Traffic Manager, Cochin Port, as a member representing the Central Government on the Cochin Dock Labour Board, vice the Engineer and Ship Surveyor, Mercantile Marine Department, Cochin, and directs that the following further amendment shall be made in the Notification of the Government of India, in the Ministry of Labour and Employment, No. S.O. 1717, dated the 28th July, 1959, namely:—

In the said Notification, under the heading “*Members representing the Central Government*”, in item (4), for the entries “The Engineer and Ship Surveyor, Mercantile Marine Department, Cochin”, the entries “The Traffic Manager, Cochin Port” shall be substituted.

[No. 180/9/50-Fac.]

S.O. 3923.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1962.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 195 in sub-clause (2) of clause 7, the following words shall be inserted at the end, namely:

"nor prevent the incurring of expenditure on welfare measures, if any, for the staff of the Board and the Administrative Body."

[No. 525/3/62-Fac]

S.O. 3924.—In exercise of the powers conferred by sub-section (1) of section of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Calcutta Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1962.

2. In clause 14 of the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957—

(1) after sub-clause (3), the following sub-clauses shall be inserted, namely:—

"(3-A) Where, in a case reported to him under sub-clause (3), the Personnel Officer is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Personnel Officer may, pending investigation of the matter, suspend the worker for a period not exceeding seven days and report immediately to the Deputy Chairman, who after preliminary investigation of the matter shall pass orders thereon whether the worker should, pending final orders, remain suspended or not provided that the total period of such suspension shall not exceed a period of three months.

(3-B) Where the Deputy Chairman comes to the decision that the order of suspension of the worker pending investigation into the charge of indiscipline or misconduct, as the case may be, ought not to have been made, the worker shall be entitled to such payments from the Board in respect of the period of his suspension as the Administrative Body may certify that the worker would have received, had he not been suspended."

[No. 529/23/62-Fac.]

K. D. HAJELA, Under Secy.

New Delhi, the 20th December 1962

S.O. 3925.—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2872, dated the 11th September, 1962, namely:—

In the Schedule appended to the said Notification, against serial No. 4, the entries "Kanhan" and "M/s. Khandelwal Ferro Allays" occurring in columns 3 and 4 shall be omitted.

[No. F. 6(40)/62-HL.]

S.O. 3926.—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendments in the Notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2665, dated the 2nd November, 1961, namely:—

In columns 4 and 5 of Schedule IV appended to the said Notification,—

(i) against serial No. 3,
the entries "Ratanganj

1. Laxmi Pulse Mills.
2. M/s. Ahmed Haji Sumar Kumkum Factory." shall be omitted;

(ii) against serial No. 7,
the entries "Khamgaon

1. M/s. Saraswati Oil Mills.
2. M/s. Khandelwal Bros. & Co., Oil & Engine Factory.
3. M/s. Bhutad Oil Mills.
4. M/s. Mohanlal Sunderji Oil Mills.
5. M/s. Gopal Foundry & Engg. Works."

"Khamgoor

M/s. Kunjilal Kisan Gopal Sawans," and

"Khanagaon

M/s. Hanuman Oil Mills." shall be omitted;

(iii) against serial No. 12,

the entries "Bormala Gorewara Pumping Station." and
"Kanhari

1. M/s. Kanpur Chemical Works Ltd.
2. M/s. Kapoor Saw Mills.
3. M/s. K. P. Rai & Co.
4. M/s. Madyapradesh Timber Works." shall be omitted;

(iv) against serial No. 13.

the entries "Chauk Mandi

M/s. Zeauddin Yasin Rice & Bhagan Mills." shall be omitted;

(v) against serial No. 17,

the entries "Hadapsar Indian Hume Pipe Co." shall be omitted.

[No. F. HI-6(141)/59.]

New Delhi, the 24th December 1962

S.O. 3927.—Whereas the Government of the State of Orissa has, in pursuance of the powers conferred by clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Dr. G. S. Mahapatra, M.R.C.P., D.T.M. & H., Director of Health Services, Orissa, as a member of the Medical Benefit Council representing that Government;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 2501, dated the 30th July, 1962, namely:—

In the said notification, under the heading "Members", under the sub-heading "(Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10)", in item (13), for the entries "Dr. S. K. Mishra, M.B.B.S.", the entries "Dr. G. S. Mahapatra, M.R.C.P., D.T.M. & H." shall be substituted.

[No. F. 1(49)/62-HI.]†

S.O. 3928.—Whereas the Government of the State of West Bengal has, in pursuance of the powers conferred by clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Lt. Col. N. C. Chatterjee, Director of Health Services, West Bengal, as a member of the Medical Benefit Council representing that Government;

Now, therefore, in pursuance of the provisions of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 2501, dated the 30th July, 1962, namely:—

In the said notification, under the heading "Members", under the sub-heading "(Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10)" in item 17, for the entries "General D. N. Chakravarti", the entries "Lt. Col. N. C. Chatterjee" shall be substituted.

[No. F. 1(41)/62-HI.]

ORDER

New Delhi, the 24th December 1962

S.O. 3929.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, for a further period of one year with effect from the 1st January, 1963, every factory which is exclusively engaged in wool pressing either with or without cotton pressing and ginning, from the payment of the employer's special contribution leviable under Chapter V-A of the said Act.

[No. 7(17)/62-HI]

CORRIGENDA

New Delhi, the 13th December 1962

S.O. 3930.—In the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2665, dated the 2nd November, 1961, published on pages 2897-2927, in Part II Section 3, sub-section (ii) of the Gazette of India dated the 11th November, 1961—

In Schedule V
in column 4,
against serial No. 19,
for "Om Prakash Oil Mill",
read "Om Parkash Rice Dal and Flour Mill".

[No. HI-6(141)/59.]

New Delhi, the 20th December 1962

S.O. 3931.—In the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2665, dated the 2nd November, 1961, published on pages 2897-2928 in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 11th November, 1961,—

In Schedule IV,
against serial No 17,
for the entry "Eclipse India Ltd." in column 5
read "Philips India Ltd."

[No. F. HI-6(141)/59.]

O. P. TALWAR, Under Secy.

New Delhi, the 21st December, 1962

S.O. 3932.—In exercise of the powers conferred by section 7 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, No. SRO. 2088, dated the 21st June, 1954, namely:—

In the said notification under the heading "(1) Independent Members", for the entries "1. Shri S. P. Mukherjee, I.A.S.", the following entries shall be substituted, namely:—

"1. Shri Teja Singh Sahni".

[No. LWI(I)6(17)/62.]

K. K. UPPAL, Under Secy.

New Delhi, the 22nd December 1962

S.O. 3933.—In exercise of the powers conferred by sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2532, dated the 1st December, 1958, the Central Government hereby constitutes a

Mining Board for the States of West Bengal and Assam with the following members; namely:—

Chairman:

The Commissioner, Burdwan Division, Burdwan, *Ex-Officio*. [Nominated by the Central Government under clause (a) of section 12(1)].

Members:

- (1) The Deputy Chief Inspector of Mines, Sitarampur, *Ex-Officio*. [Nominated by the Central Government under clause (b) of section 12(1)].
- (2) Shri Kamala Prasad Agarwalla, M.L.A., Tezpur. [Nominated by the Central Government under clause (c) of section 12(1)].
- (3) Shri G. W. Hogg, M/s. Equitable Coal Co. Ltd., P.O. Disergarh, District Burdwan. [Nominated by the Indian Mining Association under clause (d) of section 12(1)].
- (4) Shri B. N. Banerjee, M.L.A., M/s. New Jeenagora Coal Co., Ltd., 22, Strand Road, Calcutta-1. [Nominated by the Indian Mining Federation under clause (d) of section 12(1)].
- (5) Shri Sobha Nand Jha, Assistant Secretary, Colliery Mazdoor Congress, Bengal Hotel, Md. Hussen Street, P.O. Asansol, District Burdwan. [Nominated by the Colliery Mazdoor Congress under clause (e)(i) of section 12(1)].
- (6) Shri Keshab Banerjee, General Secretary, Colliery Mazdoor Union, 27, G.T. Road, Bastin Bazar, P.O. Asansol, District Burdwan. [Nominated by the Colliery Mazdoor Union under clause (e)(i) of section 12(1)].

[No. 3/9/61-MI.]

S.O. 3934.—In exercise of the powers conferred by sub-section (1) of section 11 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints the medical officers of the Mica Mines Labour Welfare Organisation, Andhra Pradesh, being qualified medical practitioners, specified in column 2 of the Schedule hereto annexed to be the Certifying Surgeons for the purposes of the said Act within the local limits or in respect of mines or class or description of mines specified in the corresponding entry in column 3 of the said Schedule.

THE SCHEDULE

S. No.	Medical Officers	Limits of jurisdiction or mines or class or description of mines
1	2	3
1.	Asstt. Surgeon, Grade I, Base Hospital, Kalichedu.	All Mines situated within a radius of 5 kilometres of Kalichedu.
2.	Asstt. Surgeon, Grade I, Talupur.	All Mines within a radius of 5 Kilometres of Talupur.
3.	Asstt. Surgeon, Grade I, Utukur.	All Mines within a radius of 5 Kilometres of Utukur.
4.	Asstt. Surgeon, Grade I, Sydapuram.	All Mines within a radius of 5 Kilometres of Sydapuram.
5.	Asstt. Surgeon, Mobile Medical Dispensary.	All the Mines, except the mines mentioned above, in Nellore District.

[No. 23(33)/62-MIII.]

S.O. 3935.—In pursuance of the provisions of regulation 18 of the Coal Mines Regulations, 1957, and in supersession of all the previous notifications on the subject, the Central Government hereby approves the institutions mentioned in column I of the table below in respect of such degrees, diplomas or certificates awarded by them as are specified in the corresponding entry in column II of the said table.

TABLE

I Name of Institution	II Degree, Diploma or Certificate
INDIA	
1. Any University in India established by law.	Degree in Mining.
2. Bengal Engineering College, Sibpore.	Diploma in Mining (issued upto 1929).
3. Board of Technical Education, Rajasthan, Jodhpur.	Diploma in Mining.
4. Central Board of Technical Examination, Mysore.	Licentiate in Mining Engineering.
5. Indian School of Mines, Dhanbad.	(i) Certificate in Coal Mining (issued upto 1950-51), and (ii) Diploma of Associateship in Mining Engineering.
6. Madhya Pradesh Board of Technical Education, Bhopal.	Diploma in Mining & Mining Survey.
7. Shri Jayachamarajendra Occupational Institute, Bangalore.	Diploma in Mining.
8. State Board of Technical Education & Training, Andhra Pradesh.	Diploma in Mining Engineering.
9. State Board of Technical Education, Bihar.	Diploma in Mining and Mine Surveying.
10. State Board of Technical Education (formerly Technological Diploma Examination Board), Madras.	Licentiate in Mining Engineering.
11. State Council for Engineering and Technical Education, West Bengal.	Licentiate Diploma in Mining Engineering.
12. State Council of Technical Education and Training, Orissa.	Diploma in Mining Engineering.
UNITED KINGDOM	
1. Armstrong College, New Castle-on Tyne.	Diploma in Mining.
2. Birmingham University.	Degree of B.Sc. in Mining and Diploma in Mining.
3. Cambridge and Birmingham Universities.	Joint Coal Mining Diploma.
4. Durham University.	Degree of B.Sc. in Mining.
5. Durham University.	Honours Degree of B.Sc. in Mining.
6. Edinburgh University.	Degree of B.Sc. and D.Sc. in Mining and Metallurgy.
7. Glasgow University.	Degree of B.Sc. in Mining Engineering.
8. Glasgow University.	Certificate of Proficiency in Mining.
9. Heriot Watt College, Edinburgh.	Certificate in Mining Engineering.
10. Heriot Watt College, Edinburgh.	Diploma in Mining Engineering.
11. Leeds University.	Degree of B.Sc. in Mining and Diploma in Mining.

I Name of Institution	II Degree, Diploma or Certificate
12. London University.	B.Sc. Degree in Mining for Inter Students subject to the Degree being endorsed by the University with a Certificate of four months' practical experience in a mine.
13. London University.	Degree of B.Sc. in Mining for External Students.
14. Victoria University, Manchester.	Degree and Certificate in Mining.
15. Nottingham University College.	Diploma of Mining Engineering.
16. Oxford and Birmingham Universities.	Diploma in Coal Mining which is granted by the two Universities jointly.
17. Royal School of Mines.	Associateship in Mining.
18. Sheffield University.	Diploma in Mining.
19. Sheffield University.	Degree of Bachelor of Engineering (Mining).
20. University College of South Wales and Monmouthshire and the South Wales and Monmouthshire School of Mines.	Diploma which is granted by the two institutions jointly.
21. University of Wales.	Degree of B.Sc. in Mining Engineering.
22. Wigan Mining and Technical College.	Diploma in Mining.

U.S.A.

1. California University.	Degree of Mining Engineering.
2. Carnegie Institute of Technology, Pittsburgh.	Degree of Bachelor of Science in Mining Engineering.
3. Colorado School of Mines.	Degree of Mining Engineering.
4. Colombia University, New York.	Degree of Engineer of Mines.
5. Harvard University, Cambridge, Massachusetts.	Diploma in Mining Engineering.
6. Leland Stanford Junior University, California.	Degree of Bachelor of Arts in Geology and Mining.
7. Pittsburgh University.	Degree of Engineer of Mines.

WEST GERMANY

1. Bergakademie Clausthal.	Diploma in Mining Engineering.
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[No. F. 17/5/62-MI-(ii).]

S.O. 3936.—In exercise of the powers conferred by sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 380, dated the 5th February, 1959, the Central Government hereby constitutes a Mining Board for the State of Orissa with the following members; namely:—

Chairman:

The Director of Mines, Government of Orissa, Bhubaneswar. [Nominated by the Central Government under clause (a) of section 12(1)].

Members:

- (1) The Regional Inspector of Mines, Chaibasa, *Ex-Officio*. [Nominated by the Central Government under clause (b) of section 12(1)].
- (2) Shri Bairagi Charan Jena, Member of Orissa Legislative Assembly, Bhubaneswar. [Nominated by the Central Government under clause (c) of section 12(1)].

- (3) Shri S. M. Singh, Manager, Hingir Rampur Coal Co., Ltd., P.O. Rampur Colliery, District Sambalpur, Orissa. [Nominated by the Indian Mining Association under clause (d) of section 12(1)].
- (4) Shri Sundar Lall Sarda, C/o M/s. Baijnath Sarda, P.O. Chaibassa, District Singhbhum. [Nominated by Eastern Zone Mining Association under clause (d) of section 12(1)].
- (5) Shri Bharat Chandra Patra, General Secretary, Gorumahisani Iron Mine Workers' Union, P.O. Gorumahisani, District Mayurbhang, Orissa. [Nominated by the Gorumahisani Workers' Union under clause (e) (i) of section 12(1)].
- (6) Shri Binoy Kumar Mahanti, Secretary, Gangpur Labour Union, P.O. Birmitrapur, District Sundargarh, Orissa. [Nominated by the Gangpur Labour Union under clause (e) (i) of section 12(1)].

[No. 3/9/61-MI.]

S.O. 3937.—In exercise of the powers conferred by sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952), the Central Government hereby constitutes a Mining Board for the States of Maharashtra and Gujarat with the following members; namely:—

Chairman:

The Director of Geology and Mining, Government of Maharashtra, Nagpur, *Ex-Officio*. [Nominated by the Central Government under clause (a) of section 12(1)].

Members:

- Deputy Chief Inspector of Mines, Nagpur, *Ex-Officio*. [Nominated by the Central Government under clause (b) of section 12(1)]
- Shri Ghanshyamlal Oza, Member, Parliament, Vatsalya, Behind Ramakrishnan Ashram, Vidyanagar, Raikot. [Nominated by the Central Government under clause (c) of section 12(1)].
- Shri E. A. Walker, Post Box No. 8, Nagpur-1. [Nominated by the Madhya Pradesh and Vidarbha Mining Association under clause (d) of section 12(1)].
- Shri D. P. H. Rowe, M/s. Killick Industries Ltd., Homi Street, Fort, Bombay-1. [Nominated by the Indian Mining Association under clause (d) of section 12(1)].
- Shri S. K. Sanyal, General Secretary, Samyukta Khadan Mazdoor Sangh, Tilak Statue, Nagpur-2. [Nominated by the Samyukta Khadan Mazdoor Sangh under clause (e) (i) of section 12(1)].
- Shri A. J. Naidu, P.O. Mansar Mine, Manganese Ore (India) Ltd., Ramtek, District Nagpur. [Nominated by the Rastriya Manganese Khadan Prantik Kamgar Sangh under clause (e) (i) of section 12(1)].

[No. 3/9/61-MI.]

S.O. 3938.—In exercise of the powers conferred by sub-section (1) of section 12 of the Mines Act, 1952 (34 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 892, dated the 20th April, 1959, the Central Government hereby constitutes a Mining Board for the State of Bihar with the following members; namely:—

Chairman:

The Commissioner, Chota Nagpur Division, Ranchi, *Ex-Officio*. [Nominated by the Central Government under clause (a) of section 12(1)].

Members:

- (1) The Deputy Chief Inspector of Mines (Headquarters), Dhanbad, *Ex-Officio*. [Nominated by the Central Government under clause (b) of section 12(1)].
- (2) Shri Ram Narain Sharma, M.L.A., P.O. Jharia, District Dhanbad [Nominated by the Central Government under clause (c) of section 12(1)].
- (3) Shri O. H. Senior, Chief Mining Engineer, M/s. Bird & Co. (Private) Ltd., P.O. Sijua, District Dhanbad. [Nominated by the Indian Mining Association under clause (d) of section 12(1)].

- (4) Shri Rasiklal Worah, 135, Canning Street, Calcutta. [Nominated by the Indian Colliery Owners' Association under clause (d) of section 12(1)].
- (5) Shri S. P. Singh, Secretary, Colliery Mazdoor Sangh, Katras Road, Dhanbad. [Nominated by the Colliery Mazdoor Sangh under clause (e) (i) of section 12(1)].
- (6) Shri Mahesh Desai, General Secretary, Koyala Mazdoor Panchayat, Jharia, Bihar. [Nominated by the Koyala Mazdoor Panchayat under clause (e) (i) of section 12(1)].

[No. 3/9/61-MI.]

New Delhi, the 24th December 1962

S.O. 3939.—In pursuance of rule 2(b) of the Coal Mines Pithead Bath Rules, 1959 and in supersession of the Notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1833, dated the 18th July 1960, the Central Government hereby appoints Shri Rampat, Deputy Coal Mines Labour Welfare Commissioner, to perform all the functions of a competent authority under the said rules.

[No. 34/5/62-M.II.]

S.O. 3940.—In exercise of the powers conferred by sub-section (1) of section 83 of the Mines Act, 1952 (35 of 1952), and in modification of the Notifications of the Government of India in the Ministry of Labour and Employment Nos. S.O. 3340, 3674 and 3791, dated the 5th November, 24th November, and the 10th December, 1962, respectively, the Central Government hereby exempts, until the 31st January, 1963, every coal mine from the operation of the following provisions of the said Act, namely:—

- (i) Section 28,
- (ii) sub-section (1) of section 30 and sub-section (1) of section 31 in so far as the said sub-sections restrict the number of weekly hours to forty-eight, and
- (iii) sub-section (1) of section 29 in so far as the said sub-section provides that compensatory days of rest shall be allowed within the month in which weekly day of rest became due or within the two months immediately following that month, on condition that the compensatory days of rest shall be granted after the expiry of the period of exemption.

[No. 6/10/62-MI.]

R. C. SAKSENA, Under Secy.

New Delhi, the 24th December 1962

S.O. 3941.—In pursuance of sub-section (2) of section 9 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948) and in supersession of this Ministry's Notification No. P.F.I.1(13)/59-I dated the 9th March, 1959, the Central Government hereby specifies each of the persons mentioned in the schedule hereto annexed as the authority who may sanction the making of a report in writing of the facts constituting an offence under the Coal Mines Bonus Scheme, published with the Notification of the Government of India in the late Ministry of Labour, No. P.F.16(1)/48, dated the 3rd July, 1948.

THE SCHEDULE

1. The Chief Labour Commissioner (Central), New Delhi.
2. The Regional Labour Commissioner (Central), Dhanbad.
3. The Regional Labour Commissioner (Central), Calcutta.
4. The Regional Labour Commissioner (Central), Jabalpur.
5. The Regional Labour Commissioner (Central), Maharashtra, Bombay.
6. The Regional Labour Commissioner (Central), Visakhapatnam.

[No. 1(13)/59-PF.I/I.]

S.O. 3942.—In pursuance of sub-section (2) of Section 9 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), and in supersession of this Ministry's Notification No. PF.1.1(13)/59-II, dated the 13th March 1959, the Central Government hereby specifies each of the persons mentioned in the Schedule below as the authority who may sanction the making of a report of the facts constituting an offence under the following schemes, namely, the Andhra Pradesh Coal Mines Bonus Scheme, 1952, the Rajasthan Coal Mines Bonus Scheme, 1954, and the Assam Coal Mines Bonus Scheme, 1955, published with the Notifications of the Government of India in the late Ministry of Labour No. S.R.O. 1705, dated the 4th October, 1952, S.R.O. 3643, dated the 17th December, 1954 and S.R.O. 2041, dated the 8th September, 1955 respectively, to the extent specified in the Schedule.

THE SCHEDULE

1. The Chief Labour Commissioner (Central), New Delhi (for all the three schemes mentioned above).
2. The Regional Labour Commissioner (Central) Visakhapatnam (for Andhra Pradesh Coal Mines Bonus Scheme, 1952).
3. The Regional Labour Commissioner (Central), Jabalpur (for Rajasthan Coal Mines Bonus Scheme, 1954).
4. The Regional Labour Commissioner (Central), Calcutta (for Assam Coal Mines Bonus Scheme, 1955).

[No. 1(13)/59-PF.I/II.]

CORRIGENDUM

New Delhi, the 19th December 1962

S.O. 3943.—In the Notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3261, dated the 17th October 1962, published at p. 3508 of the Gazette of India, Part II, section 3, sub-section (ii), dated the 27th October 1962, in Item (a), for "Shri V. S. C. Bannerjee", read "Shri V. S. C. Bonarjee".

[No. 4(50)/62-PF.I.]

P. D. GAIHA, Under Secy.

New Delhi, the 24th December 1962

S.O. 3944.—Whereas an industrial dispute between the Pandyan Insurance Company Limited, Madurai, and their workmen in respect of the matter specified in the Schedule hereto annexed was referred for adjudication to the Labour Court at Madurai presided over by Shri Abdul Wahab, by the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 3272, dated the 22nd October 1962 and was pending before the said Labour Court;

And whereas the services of Shri S. Abdul Wahab have ceased to be available;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said dispute pending before that Court and transfers the same to the Labour Court constituted by the Notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 3851, dated the 15th December 1962 with Shri R. S. D. Mani as the presiding officer thereof and directs that the said Labour Court shall proceed with the said proceedings from the stage at which it is transferred to it and dispose of the same according to the law.

SCHEDULE

Whether the termination of employment of Shri C. Raju, who was employed as a Sweeper in the Madurai Branch of the Pandyan Insurance Company Limited, was justified and, if not, to what relief is he entitled?

[No. 70(18)/62-LRIV-II.]

G. JAGANNATHAN, Under Secy.